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PROCEEDINGS  
OF THE  
FIRST ANNUAL CONVENTION  
OF THE  
ILLINOIS MUNICIPAL LEAGUE

HELD AT THE  
UNIVERSITY OF ILLINOIS  
Urbana - Champaign  
October 14, 15, 1915



PUBLISHED BY THE UNIVERSITY OF ILLINOIS  
URBANA

1915



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# MINUTES OF THE FIRST ANNUAL CONVENTION OF THE ILLINOIS MUNICIPAL LEAGUE

HELD AT THE UNIVERSITY OF ILLINOIS, URBANA-CHAMPAIGN,  
ILLINOIS, OCTOBER 14 AND 15, 1914.

## FIRST SESSION

The meeting was called to order at two o'clock, P. M.  
on Wednesday, October 14, 1914, by the President, Mayor  
William W. Bennett, of Rockford. William G. Adkins  
acted as Secretary *Pro tem*.

Present: Mayors:	Albert Fehrmann	Elgin
	James R. Smart	Evanston
	Edwin Ganto	Wenona
	G. B. Deahl	Martinsville
	F. C. Tomson	Macon
	Roscoe D. Wyatt	Salem
	E. F. Bradford	Ottawa
	Z. T. Baum	Paris
	C. A. Martin	Mt. Carmel
	J. F. Sprague	Bement
	H. C. Latham	Hillsboro
	Joseph Berry	Olney
	O. B. Dobbins	Champaign
	O. L. Browder	Urbana
	W. W. Bennett	Rockford
Aldermen:	F. F. Carr	Macon
	John B. Bennett	Urbana
	J. E. Smith	Urbana
	John A. Fairlie	Urbana
City Comptroller	W. J. Hamilton	Evanston
City Engineers:	Edwin Main	Rockford
	A. M. Danely	Urbana

Messrs. Montague Ferry and B. M. Ferguson of the Department of Public Service, Chicago.  
William G. Adkins, Statistician, Chicago.

Addresses of welcome were delivered by  
President Edmund J. James, University of Illinois  
Mayor O. B. Dobbins, Champaign, and  
Mayor O. L. Browder, Urbana, and  
responded to by Mayor William W. Bennett of Rockford,  
President of the League, who supplemented his response  
with an address upon the work of the League and of the  
convention.

In the absence of Mayor M. R. Carlson of Moline, the chairman, the report of the Committee on Organization was presented by Alderman John A. Fairlie of Urbana. This report consisted of a draft of a constitution submitted for adoption, and, upon motion duly seconded, was referred to a committee to be appointed by the President.

A telegram from Mayor M. R. Carlson of Moline was read by the President.

The convention was then entertained by an illustrated lecture on "Parks in a Small City", by Professor A. D. Evans, of the University of Illinois, in the absence of Professor J. C. Blair of the Urbana Park Commission.

The President announced the following committees:

- On Constitution: Alderman Fairlie of Urbana, Mayors Fehrmann of Elgin and Dobbins of Champaign.
- On Nominations: Mayors Browder of Urbana, Wyatt of Salem, and Martin of Mt. Carmel.
- On Resolutions: Mayors Smart of Evanston, Bradford of Ottawa, and Latham of Hillsboro.

The convention then adjourned to inspect the various departments of the University and to meet at ten o'clock A. M. Thursday, October 15th, 1914.

#### SECOND SESSION

Thursday, October 15th, 1914, at 10 A. M. The President in the chair. There were present in addition to the members attending the first session:

Mayors:	W. E. Walsh	Morris
	David Lavery	Kankakee
	G. J. Johnson	Paxton
Aldermen:	R. R. Fulk	Urbana
	Elmer H. Johnson	Urbana
	Chas. C. Clark	Urbana
	T. H. Trevett	Champaign
	R. T. Little	Champaign
City Attorneys:	Leon U. Everhart	Urbana
	A. D. Stevens	Springfield
Supt. of Water:	Ross P. Beckston	Rockford
	Geo. A. Trotter	Morris
	L. D. Upson	Dayton, Ohio

The following papers and addresses were presented:

**Municipal Home Rule,**

Russell M. Story, University of Illinois.

**The City Manager Plan,**

L. D. Upson, Director, Bureau of Municipal Research of Dayton, Ohio.

**A Municipal Reference Bureau,**

John A. Fairlie, University of Illinois.

After which, at 12 o'clock noon, the convention was adjourned for luncheon and an automobile ride around the twin cities.

### THIRD SESSION.

Thursday, October 15th, 1914, 2:30 P. M., President Bennett in the chair.

The meeting opened with a paper on the Importance of the Municipal Engineer in the Efficient City.

Professor Ira O. Baker, University of Illinois.

After which the methods of the—

State Public Utilities Commission of Illinois were explained by Walter A. Shaw of the State Public Utilities Commission.

Short talks were made by the Mayors present, discussing local problems.

A verbal invitation to attend the drill of the University of Illinois Cadet Battalion after adjournment was received.



The regular program was then taken up and addresses were made on the

Chicago Department of Public Service, by

Montague Ferry, Commissioner of Public Service.

The Springfield Gas Case, by

A. D. Stevens, City Attorney of Springfield.

The Committee on Constitution, through its chairman, Professor Fairlie, reported an amended draft of a constitution, which upon motion was unanimously adopted.

Mayor Smart, Chairman of the Committee on Resolutions, reported the following, which were adopted.

Resolved: That the Illinois Municipal League endorses the steps taken by the University of Illinois in collecting the materials for a Municipal Reference Bureau, and respectfully urges the further development of this work; and recommends that the General Assembly appropriate funds for utilizing this collection for the benefit of the cities of the state.

Resolved: That the Illinois Municipal League express their hearty thanks to the University of Illinois and the Mayors and City Councils of Champaign and Urbana for the welcome and courtesies received at the Annual Convention of the League and the splendid programs, and the excellent facilities and entertainments furnished.

Mayor Browder, Chairman of the Committee on Nominations, reported the following nominations for the officers of the league.

President	Mayor W. W. Bennett	Rockford
Vice President	Mayor G. J. Johnson	Paxton
Secretary	Alderman John A. Fairlie	Urbana
Statistician	William G. Adkins	Chicago

Nominations for members of the Executive Committee were made from the floor as follows:

Mayor C. A. Martin	Mt. Carmel
Mayor M. R. Carlson	Moline
Mayor O. L. Browder	Urbana

Upon motion duly seconded, the nominations of the Committee and those made from the floor were unanimously elected as officers of the league.

After discussion as to the time and place of the meeting of 1915, upon motion duly seconded, it was ordered that the meeting for 1915 be held during the second week of October at the University of Illinois, the Executive Committee being instructed to fix the dates and duration of the meeting and arrange the program.

In the absence of Mr. Paul Hansen of the State Water Survey, an address upon Municipal Water Supplies, was given, with illustrations, by Professor Edward Bartow, Director of the State Water Survey.

The convention then adjourned.

WILLIAM G. ADKINS,  
Secretary *Pro tem.*

# CONSTITUTION OF THE ILLINOIS MUNICIPAL LEAGUE

## ARTICLE I—NAME AND PURPOSE.

*Section 1.* This organization shall be known as the Illinois Municipal League.

*Section 2.* The purposes of the League are the improvement of municipal conditions in Illinois, and to that end to hold an annual convention for the discussion of municipal problems, and to promote the establishment of a municipal reference bureau.

## ARTICLE II—MEMBERSHIP AND FEES.

*Section 1.* Membership in the League is open to any incorporated city or village in Illinois; to the mayors, aldermen, commissioners and other city and village officials; to chambers of commerce, boards of trade and civic clubs; and to other interested citizens, on application and payment of the membership fee.

*Section 2.* The annual membership fees shall be as follows:

For cities and villages of less than 5,000 population, \$5.00.

For cities and villages of more than 5,000 population, \$10.00.

The annual membership fee for chambers of commerce, boards of trade, civic clubs and other organizations shall be the same as for the city or village.

The annual membership fee for individual persons shall be \$3.00.

## ARTICLE III—MEETINGS

*Section 1.* An Annual Convention and other meetings of the League shall be held at such times and places as

may be determined by the annual convention or by the executive committee.

*Section 2.* Each city, village and organization holding membership in the League shall be entitled to such representation as may be determined by its council or managing body. In electing officers and selecting the place of meeting, each city or village represented shall be entitled to one vote. On all other questions all representatives and members present shall be entitled to vote.

#### ARTICLE IV. OFFICERS.

*Section 1.* The officers of the League shall be a President, a Vice-President, a Secretary and Treasurer, and a Statistician, who with three other members shall constitute an executive committee. These officers shall be elected at the annual convention.

#### ARTICLE V. AMENDMENTS.

*Section 1.* This Constitution may be amended at any annual convention by a two-thirds vote of those present and voting.

## ADDRESS

W. W. BENNETT, MAYOR OF ROCKFORD, ILLINOIS

*President of the League.*

In a call issued by the Mayors of New York City, Philadelphia, Chicago, Cleveland and Dayton, for a conference of American Mayors in November at Philadelphia, they say:

"Hundreds of millions of dollars are paid annually by the residents of American cities for the services furnished by municipal utilities. The policies to be followed by cities in their relation to these utilities more deeply concern the best interests of urban citizens than do the policies as to any other one group of municipal problems."

There is no city in Illinois, or in any other state, but has the same problems, though perhaps not so complex, as do the great centers of population. If these men of our great cities have thought it wise to hold a National Conference, it seems to me that we are but doing the simplest, nearest task at hand, when we meet here in this hospitable center for the dissemination of learning, to counsel with each other, and to learn from men who have made a specialty of their lines of endeavor.

For years we have, as a people, been attempting by the enactment of law to cure our ills, though at times it seems a vain attempt to better our conditions. We have gone from the aldermanic system of representation, to the commission form of government, and tomorrow on our program we will hear discussed the latest panacea for political and corporate ills—the city manager plan.

Personally, I do not care a great deal what becomes of the initiative and referendum, the recall of judges and judicial decisions, the commission form of government, or the city manager plan, if the people who are here trying

to work out the problems of a democracy, would only take an interest in the labor which should be performed by all. The product of the crudest tools, if zealously used, may be of more service than that of the costliest piece of machinery indifferently handled. It takes more than simply the enactment of a new law to advance us on the road to civic betterment. Men of ability must be willing to sacrifice something of their time and talents in a government such as is ours. If they do not, they are not entitled to their day in court, asking to be heard in criticism of existing conditions.

We waded through on September 9, in a desultory sort of way, with a State-wide primary. The ballot was too long. As offered to us in Winnebago county, no one but a professional politician could vote it intelligently. Politics cannot be made a business by the great mass of the people. What I believe the people really desire is to be well acquainted with a few men, to know what they stand for, and to be given the opportunity to hold those men accountable for duty well performed when they have been voted into office. A stupid, derelict or vicious servant of the people should no more expect to continue in the employment of the people, than though he should have been working for a private corporations and his work found to be unsatisfactory to those who paid him his wages.

In my judgment, running hand in hand with all the ills that the long ballot possesses, is that other ballot, with its complexities and intricacies, the heterogeneous offerings of laws initiated and laws referred by and to the people for their solution. It seems to me to be absolute folly to expect the voters to pass upon measures, if they are unable or indifferent about passing upon the merits of men. The people are seeking to get acquainted with great matters of public policy and administration and administrative officers pledged to the enactment of these policies. The voting public, I believe, is seeking to travel light—they wish to carry no excess baggage. It does not matter to them who is auditor, clerk of the appellate court, or treasurer of the state of Illinois; but they would like to feel well ac-



quainted with the men at the top of their ticket in the state, congressional and senatorial districts, county and city, and to be given a chance to take the jobs away, if the man on the job is a poor servant. They are not going to be interested in the momentous question of whether we may fish in the Illinois river for carp with hook or with seine, but those great questions of policy as to the attitude of the state and city in what concerns their welfare and the welfare of their families, and law enforcement, they are interested in, and will eventually demand to be heard in tones so loud that even the deafest may hear.

This convention will not have accomplished some of the things that are possible, if we do not carry our activities outside and beyond this hall. It has been well said by Mayor Johnson of Paxton in a recent letter:

"I feel that if I should conscientiously recommend that our city should become a member of this association and pay in dues toward it, that we ought to have and maintain some agency at Springfield, especially during the legislative time, that would look after municipal legislation. It is useless to say to you, with your experience, that every legislature seems to have encroached more or less on the cities' privileges, and that will continue as long as we are not organized and do not look after our own interests."

## MUNICIPAL HOME RULE

BY

RUSSELL McCULLOCH STORY

*University of Illinois*

The movement for Home Rule in American cities is one of the important developments in the municipal history of this country. To fully appreciate its significance, however, it is necessary to have a clear apprehension of the legal position of the American city under other than Home Rule conditions.

American cities possess a two-fold political character.<sup>1</sup> Primarily, they would appear to be organizations for the satisfaction of local needs; secondarily, they would appear to act as the agents of the respective states in which they lie and exercise powers which affect the inhabitants of the whole state. But in the development of the law respecting public corporations the above has been reversed and the courts have adhered to the principle that the city corporate is entitled to no protection against the state; that primarily and secondarily it is but an agent of the state and subject to the supervision and control which the latter may see fit to impose upon it. The state in practice becomes the state legislature. The city, in fact, therefore has no rights, privileges, immunities, powers, duties and obligations, it may undertake no work, it may own no property, it may plan no future, except as it receives authority from the state to act as its agent along these lines, the state legislature retaining the power at any time to alter, amend, undo, or do over again those things which the city as the agent of the state has already attempted, and to do those things for the city which it has not been author-

<sup>1</sup>Goodnow, Municipal Home Rule, p. 18.

ized to do for itself. Moreover, if the city presumes to do any act or make any contract, no matter how insignificant, that has not been expressly authorized such acts and such contracts are void.<sup>2</sup>

Such in general was the legal position of the city in the United States until recent years, and it still represents the legal position of the city in many, if not the majority, of the states of the Union. This condition, however, is not uniformly true today. The rapid growth of our cities in number and size, (they now contain approximately fifty per cent of the population in continental United States), the increasing importance of their problems, the failure of general laws to meet and satisfy the varieties of local conditions, the failure of the states to demonstrate their ability to interfere wisely in municipal affairs, and the increasing demand of the cities for a larger measure of freedom, all these combined have been gradually breaking the grip in which the states have so mercilessly held American cities. As we survey the field at the present time the legal position of cities may be defined in one of three different ways:

(1) The cities of some states are strictly state agents and are absolutely devoid of the power of self-government except as it has been expressly conferred by a state legislature on which there operate no constitutional limitations in favor of the cities. Such a state is Massachusetts, in which it has well been said that the legal status of a city is the same as that of an infant, or an idiot, or a lunatic.

(2) The cities of some states are protected from wanton abuse of the power of the legislature by the constitutional provision that the assemblies may not pass any local or special laws respecting municipalities where general laws can be made applicable. This protection is of a purely negative character as far as municipal freedom and power are concerned.

(3) The cities of some states are by constitutional provisions guaranteed some degree of freedom in the exer-

<sup>2</sup>Munro, *The Government of American Cities*, p. 53. Cf. also Berlin v. Gorham, cited in Macy, *Cases on Municipal Corporations*, p. 18.

cise of the powers of local self-government and thus may properly be termed Home Rule cities.

It is this privilege of local self-government to which we now wish to direct your attention. Home rule for cities is based upon the fundamental proposition that the local community, in purely local matters, is best able to determine its own needs, and to devise ways and means whereby those needs shall be met; on the other hand home rule recognizes that in matters which affect the general welfare of the state the legislature should be supreme. It is not the purpose of municipal home rule movements to impair the legitimate and effective use of the city as a state agent in matters which affect the commonwealth as a whole; it is rather the purpose to call back into political vigor principles that are essential to good government and to normal, healthy progress in a democracy.

The movement toward municipal home rule in this country was led by Missouri. In the constitution of 1876, Article IX, Sec. 16 appear the following words: "Any city having a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this state." This general grant of Home Rule is somewhat modified by Section 17 immediately following, but the principle, within broad limits, was established as regards large cities.

Home Rule has been most consistently developed in the State of California. In the Constitution of 1879, Article XI, Section 8 we read: "Any city containing a population of more than 100,000 inhabitants . . . . . may frame a charter for its own government, consistent with, and subject to the Constitution (or having framed such a charter, may frame a new one)", . . . . . The power here broadly granted has not been modified in any important particular but by subsequent amendments (in 1887, 1890, 1896 and 1911) has been extended to cities of 3,500 population and to counties.

With the movement toward Home Rule for cities thus initiated in two states progress halted. In 1889, Washington recognized the wisdom of adopting Home Rule in her constitution; then followed Minnesota in 1896, Colorado in 1902, Oregon in 1906, Oklahoma in 1907, Michigan in 1908. Ohio in 1912 incorporated into its constitution the following Home Rule provision: "Any municipality may frame and adopt or amend a charter for its government and may . . . . exercise thereunder all the powers of local self-government" (subject of course to general state laws). Wisconsin in 1911 endeavored to give its cities home rule by legislative enactment, but the act was held unconstitutional by the courts, and thus emphasized the fact that home rule may only be assured by a constitutional guarantee.<sup>3</sup> In the November elections of 1912 Texas, Nebraska, and Virginia adopted Home Rule amendments.<sup>4</sup> The Arizona constitution of 1912 provides for Home Rule. Michigan enlarged the freedom of her cities by permitting them to revise or amend their charters piecemeal. In May of 1913 the legislature of Connecticut enacted a Home Rule law applicable to the city of New Haven alone.<sup>5</sup> The weakness of New Haven's independence lies in the fact that any subsequent legislature might repeal this act and restore the city to its former legislative bondage. It has no constitutional warrant for its freedom.

While 1912 marks the crest of the movement thus far along the lines of constitutional change, yet probably more has been achieved in behalf of Home Rule in the past two years than in any other period of the movement. It occupied a prominent place in the gubernatorial campaign in Massachusetts in 1913; it has become a live issue in New York state,<sup>6</sup> in which 39 per cent of the legislative business consists of special and local acts respecting municipalities

<sup>3</sup>National Municipal Review, Vol. I (1912), p. 515.

<sup>4</sup>National Municipal Review, Vol. II (1913), p. 121.

<sup>5</sup>National Municipal Review, Vol. II (1913), p. 474.

<sup>6</sup>National Municipal Review, Vol. II (1913), p. 119.

and other local governments.<sup>7</sup> But of even greater importance to the ultimate success of the movement and the establishment of the principle is the fact that today there are scores of cities living under charters of their own framing and adoption. Some of these are large, such as St. Louis and Cleveland; many of them are small, but in each case the citizens have had the privilege of studying the needs and problems of the community in which they live and of adopting a form of government that they believed to be suitable to their situation.

Uniform satisfaction is expressed with the results. Apparently there has been no desire on the part of the cities to return to the system of legislative control. Nor have the states displayed any disposition to resume their former policy of interference with local affairs. On the other hand the history of the movement reveals a steady expansion of the principle and its extension from the larger to the smaller municipalities.

The causes for this normal and apparently permanent development of the Home Rule movement are not difficult to discern. In the first place legislative control has various and serious defects. It hampers the cities in their development. The legislature of Pennsylvania in 1870 decided that Philadelphia needed new public buildings. It therefore selected certain citizens as commissioners and authorized them to proceed with the erection of the buildings, it gave them power to tax the city to pay the obligations incurred in this work, it gave the commission power to fill vacancies in its own membership; the whole proceeding set a precedent for irresponsible and extravagant expenditure of municipal funds and burdened the city with debt for a period of twenty years.<sup>8</sup>

In the second place the cities suffer from legislation that is at the same time unintelligent and irresponsible.

<sup>7</sup>Article by L. A. Tanzer on Legislative Interference in Municipal Affairs and the Home Rule Program in *New York in National Municipal Review*, Vol. II (1913), p. 598.

<sup>8</sup>Goodnow, *Municipal Home Rule*, p. 25.

It is absurd that the representatives of the rural districts should be able to vote on pavements and lights; legalize claims which courts have refused to recognize; regulate urban departments in the interest of the party then dominant in the state; fix, change, or abolish details in municipal organization, wiping out existing offices and establishing new ones, and in numerous other ways interfering with the mechanism of local government. These things have not been done in a corner. They have been committed openly and flagrantly and in defiance of municipal protests, and not once but thousands of times in this country. Between 1895 and 1912 the New York Assembly alone passed 5,266 special and local laws, many of which were vicious in their effects.

The final cause for the progress of Home Rule sentiment lies in the despair of the states themselves. Legislative business has been clogged in many states by the grist of local and special laws which have been introduced. In the efforts to secure a higher class of legislation in our states one of the obstacles to success has usually been the volume of local and special legislation. It takes time and thot and energy which should be devoted to other matters than the pleas of malcontents and of the dissatisfied minorities of our cities. It invites reaction and retaliation, as the cities see their interests made the ball in the game of state and national politics, to be battled about this way or that as political fortune may dictate. Thus the states have despaired of legislative excellence until legislative interference with urban affairs has been effectively checked.

But these extreme conditions do not obtain in Illinois. True enough, we have found the means to fetter our legislature and prevent its wanton use of the power of special legislation. But we have yet to set our cities free. Illinois prohibits the positive evils which flow from special legislation; she also prevents the positive good which will follow the establishment of a sane and reasonable Home

Rule program in Illinois cities. The following indicates the situation in Illinois:

(1) There are 366 incorporated cities, villages and towns having more than 1,000 population each, and containing a total population of 3,824,897, over two million in excess of the number that reside in villages and towns of less than 1,000 and the rural districts of the state. These figures are based on the census of 1910.

(2) These and other municipal corporations are protected from flagrant legislative interference by the constitutional prohibition of special laws respecting the following subjects:

Changing the names of places.

Vacating roads, town plats, streets, alleys, and public grounds.

Laying out, opening, altering and working roads or highways.

Regulating the jurisdiction and duties of police magistrates.

*Incorporating cities, towns or villages or changing or amending the charter of any town, city or village.*

Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.

These are of special and direct interest to the cities, and there are other provisions which are of more indirect interest. Because of these and similar provisions Illinois cities have been unusually free from legislative interference with their local concerns. When the constitutional amendment of 1904 became effective and Chicago was placed in a different position so as to admit of special legislative treatment, Chicago was at the same time given an effective means of defense, in that it was provided that no special law enacted for the government of Chicago should take effect until its provisions had been approved by a majority of the voters voting thereon at any general,



special, or municipal election. Under this provision Chicago was able to reject the charter which the Legislature sought to enact for it in 1907. Thus the cities of Illinois have adequate constitutional defense against wanton and arbitrary exercise of legislative power.

(3) The cities of the state are, however, without the power to adapt the organization of local government to local needs. Two choices are open to them. If they have special charters issued before 1872 they may retain them. If not they must either organize under the general municipal act of 1872 or they may come under the commission government provisions of 1910. In every case the organization under the respective acts is identical for cities of the same class, and in every case the grant of powers to cities of the same class and organized under the same act is identical. Exception, however, is made of Chicago, which, tho organized under a general act is in a class by itself and may receive special consideration and special powers.

The question which logically presents itself at this point is as follows: Is Municipal Home Rule for Illinois cities desirable? The answer must depend upon the advantages which Home Rule has to offer as compared with the disadvantages which it may seem to involve.

May we note the disadvantages first. Illinois has launched upon a career of public utility regulation and control. The chairman of the Los Angeles Board of Public Utilities has from wide experience and observation declared the following two principles to be established: (1) The possibility of proper state control of public utilities is somewhat heightened in those states in which cities are not autonomous; and (2) The possibility of proper municipal control of public utilities is somewhat heightened in those states in which cities are autonomous.\* Inasmuch as these principles have not been seriously questioned it would seem that for Illinois to adopt the principle of home rule for its cities would impair the

\*Article by Lewis R. Works in National Municipal Review, Vol. II (1913), p. 26.

efficiency of the program for state regulation of public utilities. It will be recalled, however, that this state entered upon the course of state regulation over the protest of many of the cities, and that the original bill recognized the rights of the cities to some measure of regulatory power. The principle of state regulation is not a gospel to be accepted because it happens to be preferred to municipal regulation by the public utility companies. Indeed, it is to be feared that at the moment when municipal control, after a long struggle, was reaching the point where it could efficiently care for the public interest, the principle of state regulation has often been proposed by those interested in securing a haven of refuge for the utility corporations. Therefore, while it may be true that state regulation and municipal autonomy may not harmonize to produce the greatest measure of efficiency, it is not necessary to accept the proposition that Illinois is fully and irrevocably committed to the policy of state regulation in the absolute sense that obtains at the present time.

The other and most obvious disadvantage may be expected to appear in clashes between the state and the municipality over the powers vested in the latter. Quite naturally the municipality may be expected to claim all that the provisions establishing home rule will allow. The further possibility also exists—that the state may attempt to override municipal independence, and that the city may have to defend itself from such attempts on the part of the state. Such a case is now pending in Oklahoma.<sup>10</sup> But this disadvantage is more imaginary than real. In the first few years of Home Rule it is natural that the courts will have to clear up many points upon which the law is ambiguous, but time will enable the establishment of a stable and harmonious basis between the spheres of state and local government.

What then are the advantages of Home Rule? In reply we can do no better than to state four advantages

<sup>10</sup>National Municipal Review, Vol. III (1914), p. 120. The City involved is Muskogee, Okla.

given by Mr. Mayo Fesler of Cleveland in his little pamphlet, "Municipal Home Rule". He says:

(1) Municipal Home Rule makes local government more flexible. That is, each community may adapt it to its own conditions.

(2) Municipal Home Rule enables the municipality to remedy evil conditions more quickly. This because its powers are adequate to deal with each new local condition as it may arise.

(3) Municipal Home Rule develops interest in local affairs—by throwing the burden and responsibility for devising and adapting the organization of local government upon the citizens of each community.

(4) Municipal Home Rule gives the people of each community the opportunity to have the kind of a local government they want—a principle that is thoroly in accord with the accepted theories of a progressive and expanding democracy.

To these four I wish to add a fifth advantage, viz.,

(5) Municipal Home Rule is desirable from the viewpoint of the state inasmuch as it frees the legislature from the pressure of special and local legislation respecting municipalities. This advantage would not, however, be conspicuously felt in Illinois.

Other less obvious advantages might be presented, such as the greater difficulty under Home Rule of subordinating local issues to the exigencies of state and national party politics, wider range of development possible in municipal government thru more varied experimentation and trial and thru the larger scope of power acquired. But enough has been stated in favor of Municipal Home Rule from the standpoint of theory. The best that is to be said for Municipal Home Rule is that in almost forty years of trial in other states it has demonstrated its popularity, its wisdom and soundness as a canon of good government, its power as an educative factor in our political life, and

finally it is yet to be abused by any city enjoying the great freedom of action which the principle implies and secures.

Your speaker believes that Municipal Home Rule is a principle that has demonstrated itself to be worthy of the approval of the municipalities of this state, and of the state itself. Our cities will never enter into their fullest opportunities, nor develop the highest type of political life under present conditions. However, I am persuaded that the problem of adjustment between city and state is neither simple nor easy of solution. The constructive propositions which follow are therefore submitted, not in a spirit of dogmatic finality, but rather in the hope that they will serve as a tentative basis of discussion and may lead to some adequate expression of the principle of Home Rule in Illinois. In concluding this paper, then, permit me to indicate what, in my humble opinion, should be the measure of Municipal Home Rule for Illinois cities, and how Municipal Home Rule in Illinois may be secured.

Any proposal for Home Rule must recognize that in certain spheres of action the state is and should be supreme and that its power along these lines should not be surrendered to any subsidiary corporation such as a city; while such local authority as is conferred should be given in a closely guarded manner thru the general laws of the state. Taxation, police, elections, the right to borrow money, control over education and public charity—over these matters it is generally agreed the state should retain a strict supervision if not an active control. The autonomy of Illinois cities should be further limited with respect to great metropolitan public service corporations where thru the want of some state or metropolitan authority “franchise chaos” would result, or where as in the case of the Illinois Traction company many cities scattered over a wide area are served with light, transportation and power, or where as in the case of Chicago’s sewage disposal the welfare of the entire state may be closely involved.

Moreover, it might be well for the state to retain an appellate authority over the regulations governing public

utilities in municipalities, the large urban areas alone being excepted in cases where they have the financial and other resources sufficient to enable them to cope efficiently with the utility corporations.

The state having thus reserved for itself the substance of power in matters of vital concern in the case of all cities, and in matters of special and fundamental importance in the case of Chicago, and such other extraordinary cases as might present themselves, should free the cities in the other matters of local government. Such a declaration should be couched in the broadest terms, and should include all municipal corporations in the state (and might well be extended to counties as has been done in California). Such a provision might read as follows:

Any city, village or town in this state may frame, adopt, and amend a charter for its own government consistent with and subject to the Constitution and general laws of this state, and may, subject to the same provisions, exercise under the said charter all the powers of local self-government.

The provisions for the methods to be followed in charter framing, who may qualify to sit in charter conventions, the procedure of adoption and amendment should be either included in the constitutional enactment or made the subject of general law. The present prohibitions against special and local laws except in the case of Chicago should remain intact. Moreover municipalities should not be forced to undertake the work of changing or of framing their charters. The present general municipal act with a few changes might well be permitted to remain on the statute books as the approved model for cities which were not yet prepared to frame a charter of their own or which might not care to do so. The state may not escape its responsibility to take care of inertia or indisposition on the part of municipalities, and to this end its general laws should meet the demands of such places.

Such proposals are neither revolutionary nor radical. They involve no loss of vital state power, and mean a gain for the municipalities. Of considerable consequence, also, will be the renaissance of municipal political life that will follow this new birth of freedom in the realm of local government. And if the cities of Illinois earnestly desire the fuller life which Home Rule thus defined has to offer them, who is to say them nay. They today control three-fourths, approximately, of the voting strength of the state either directly or indirectly.

How, then, is this change to be accomplished? It must come either thru constitutional amendment or thru the framing of a new constitution by a constitutional convention. The former, the amending process, offers no hope of immediate realization, for if recourse must be had to it there are other desired and imperatively necessary changes that ought to come first. Sad experience has taught us that we may not hasten the movements for constitutional amendment in this state. The only practical opportunity for the realization and establishment of Municipal Home Rule in Illinois lies in the holding of a constitutional convention to propose for this state a reorganized and revised body of fundamental law. The future of Illinois municipalities is more closely bound up in the success of the movement for constitutional revision than many of them have been aware, and to the furtherance of the new Constitution proposals they might well pledge their hearty support. They have nothing to lose; they have autonomy to gain.

# THE CITY MANAGER PLAN

BY L. D. UPSON

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To a group of public officials intimate with municipal government, it is needless to more than mention the rapidly increasing needs of our cities and the halting efforts which have been made to meet them.

City growth has made expedient a multiplicity of activities little understood or appreciated by "the man in the street,"—industrial education, good housing, recreational centers, clean milk, efficient police, clean streets, fire prevention, equitable taxation, rapid transit facilities, etc. The energy with which a municipality enters into these new fields, as well as meets old needs, marks it as a progressive or a retarded community.

That local government is frequently cumbersome, expensive and inefficient, is not a matter of argument. It is notorious that we have a democratic and republican garbage removal when we should have efficient and economical service; that public jobs are not infrequently filled by men who make excellent ward and precinct captains rather than capable street superintendents and health officers. An even more serious difficulty is the lack of continuity in public programs. Administrative officers are elected or appointed for such brief periods that it is impossible to formulate plans for community action which must extend for an indefinite and prolonged period.

In Dayton an effort has been made by altering the type of government to remedy both of these deficiencies. It is believed that by eliminating partisanship, concentrating responsibility, and providing for permanence in the tenure of administrative offices, there should be a decided increase in the efficiency with which public affairs are

conducted. Dayton has not pinned its faith for reform, either upon improved governmental machinery alone or upon better men alone, but has endeavored to combine sensibly these two factors.

In the Dayton government the legislative power resides in a commission of five, elected at large on a non-partisan ticket. This commission has all the powers which formerly resided in the city council. Their control of the city budget is in unusual detail; they pass numberless dreary improvement ordinances; they pass police regulations, which in Dayton as in most cities are concerned with muzzling dogs and the preventing of "jay walking"; and finally they appoint a city manager. Certainly in spite of the political argument, American liberties are safe so long as our local representatives retain these powers. In fact many believe that such government is more actually representative than in the instances where the city council follows the dictations of the county chairman.

On the other hand all administrative functions are delegated to a city manager appointed for an indefinite term; trained for this particular job; and upon whom is placed the responsibility of securing an economical and efficient government. He is purely an administrative officer with administrative functions only.

Frankly, his position is predicated on the assumption that while every American citizen is capable of governing himself, not every citizen is capable of being elected to and administering the office of the city engineer, city physician, city attorney, city bridge builder or city chemist. These positions have nothing whatever to do with the policies of city government, and if the public money is to bring a maximum of results, these jobs must be filled for ability rather than national political belief. The rights of the public are amply protected thru this organization. Certainly the voter has little concern in the technical details of how administrative policies are carried out. Assuredly he is not interested in whether streets are cleaned by brooms or with machine sweeps, so long as they are



kept sufficiently clean and the cost of such cleaning is reduced to a minimum. And it must be remembered that the commission must go to the public on the question of clean streets and the cost of such cleaning. It is certainly immaterial to the voter whether streets are laid with brick or concrete so long as the greatest efficiency is brought about by the type of pavement laid. It is equally immaterial to him whether the department of health record cards are blue or white so long as there is an adequate control over disease. These are technical problems in which the tax-payer and the voter can have no concern beyond seeing that they are adequately provided. And adequate provision comes thru this control over the legislative body who must find a manager who will make good.

However, you are not as much interested in the defense of the theory of city-manager government as in its results. The true test is "does it work?" and if it does it will ultimately prevail in spite of any theoretical objections which may be brought. Although the most important features of this type of administration do not easily lend themselves to printed statement, the new activities reviewed in the manager's semi-annual report are worthy of consideration.

Perhaps the most notable improvement has been in the character of the men in the city's unclassified service. Politics have been entirely eliminated in their selection and in the main, these men are thinking of the job first rather than the compensation. The manager himself has frequently stated that he is not only unaware of the political affiliations of his department and division heads, but also of the members of the commission.

The absence of politics and the promise of permanence has resulted in noteworthy foresight taken in the planning of public works. The program outlined for water betterments extends over 16 years; the improvement of the sewer system will be gradual and upon its completion will serve a city of double the present size; and after twenty years, the elimination of grade crossings has taken definite shape.

A city plan commission is at work, and it is proposed to develop a park system in accordance with plans completed some years ago but until this time neglected.

It is in public welfare, however, rather than in engineering that the administration is most justly proud of its accomplishments. Dayton is one of the few cities in America which has a department devoted exclusively to the betterment of the social factors of the community. There has been a complete reorganization of health work; the activities of the visiting nurses have been enlarged; free clinics established; pure milk stations started and disease centers controlled or abated. The result was the reduction in the death rate of children under one year by 40 per cent,—a saving of 54 lives as compared with the rate of 1913. An infant now has almost double the chance of living, he would have had in previous years.

Strict enforcement of health regulations has made enemies, but these are among persons who placed personal liberty above the general welfare.

In the field of public welfare Dayton is probably exceeded by few in the country. In addition to new parks, a bathing beach was opened which during the summer had an average daily attendance of 1800. River drownings numbered 13 before the park was opened in May and after that date only one. Children's playgrounds were increased from 14 to 28, all under paid supervision. The attendance for the summer was over 250,000 play days. Seventy-five families are cultivating vegetables on community gardens supplied by the city, and over 300 lots have been prepared for the use of individual families. There are 22 experimental gardens upon which hundreds of children are working under the supervision of an experienced gardener.

The workhouse has become an institution for reform rather than punishment; the men are working on the streets and parks, many without guards; some have been paroled to manufacturing concerns; the women are making clothes for prisoners and the Associated Charities. A free legal aid bureau has been established, the formation of a remedial loan association considered.

In the management of public funds the new methods are most noticeable,—public expenditures have been kept strictly within the income, instead of an annual deficit of \$60,000 a year which prevailed for the six years previous. An accounting system is being installed equal to that of any private concern in the country, and which will furnish a complete control over both funds and property. Liabilities may not be incurred unless there are funds for their liquidation, thus absolutely preventing overdrafts. Funds are appropriated in accordance with a detailed budget classified by activity of departments and character of expenditure. Supplies and equipment are being standardized, and the purchasing division is buying from the lowest and best bidder, and not from friends of the administration. It is probable that the saving in this department alone during the year will amount to over \$20,000.

In public works, the handicap of inadequate funds has been overcome in part by increased efficiency. Rubbish and ash collection has been resumed and the collection and disposal of garbage has been the most adequate the city has known in years. All paved streets are machine broomed oftener than once in 10 days, and all business streets are periodically flushed. Memorandum cost records have been installed over all these services.

Other progressive works of this city involve the regular conference of department heads; the gradual elimination of public dumps; a thorough investigation of the safety department and pension funds; the beginning of a school for police and firemen; the purchase of motor fire apparatus; the establishment of a municipal garage; a new building code; improved city car service; a civic music league; new traffic regulations; efficient inspection of street contracts; the creation of street oiling districts and many other worthy innovations,—at least to conservative Dayton.

The government of Dayton must, however, progress much farther before it will have reached the degree of efficiency satisfactory to its friendly critics. However,

applying any recognized tests, it has already outstripped in results anything yet secured from commission government. Of even greater value than material progress is the stimulation of citizens' interest which has taken place. A greater degree of accomplishment is being demanded of public officers than ever before, and it is possible that in time an efficient citizenship will come to take the part in government which it is proper and desirable that it should.

## MUNICIPAL REFERENCE LIBRARIES

BY PROFESSOR JOHN A. FAIRLIE

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There are probably few municipal officials who have not felt the need for some means of securing definite and accurate information in regard to some of the problems before them in the management of their own city government. Municipal functions, even in our smaller cities, form an extensive and complex field of activities requiring special knowledge and technical training, and also reliable data as to conditions and methods in other communities, which are not ordinarily available to most of our public officials. In the larger cities the problems are even more complex and more difficult; and while trained experts in particular fields are coming to be more largely utilized, such men often have need of a broader outlook reaching beyond the field of their special profession.

In every city some efforts have been made from time to time to collect the information felt to be needed on some particular problem. This is often done by correspondence with other cities; and at times by a personal investigation of a committee or group of officials visiting other cities to examine some department or institution. These methods, however, are at best haphazard in their results; they involve a great amount of duplicate effort; and the expense of personal visits is too large to be undertaken often, and is likely to meet with criticism.

Many of the larger cities have had in some fields a partial organization for bringing together necessary information on some branches of municipal work. This has sometimes been done by an unusually energetic official at the head of some department; and sometimes through the

local library, or some private association. But it is only within a few years (less than a decade) that definite steps have been taken in a number of cities and states for a permanent organization for collecting and systematizing data in the various fields of municipal activity.

Several types of organization for this purpose have been developed,—most often under the name of Municipal Reference Library. It is the purpose of this paper to tell something of what has been done in this line in other places, the preliminary steps taken in the University of Illinois, and the opportunity for developing a central clearing house of municipal information for the cities of this state.

The first municipal reference bureau was the department of legislative reference established in the city of Baltimore, in 1907. This is under the direction of a board consisting of the mayor, the city solicitor, the president of Johns Hopkins University and the president of the Merchants' and Manufacturers' Association. This board employs the executive officer of the department, whose duty it is to collect data and investigate and report on any subject at the request of the mayor, any committee of the council or the head of any city department. Aside from the collection and cataloging of information, this bureau has issued bulletins on such subjects as gas rates, liquor licenses, tax discounts, civil service laws, and boards and commissions; and many of the departments have called on the department for data relating to the work of their department.

A similar department was organized in Kansas City in 1910. In several cities, however, this work has been organized in connection with the public library, as in Grand Rapids, St. Louis, Chicago, New York, Milwaukee, Cleveland, Philadelphia, Oakland, Cal., Portland, Ore., Toronto, and other cities. In New York, Chicago, St. Louis, and Milwaukee there is a special branch of the public library, located in the same building with the municipal offices, for this purpose. In Cincinnati a similar municipal

reference bureau located in the city hall has been established by the University of Cincinnati, which is supported by the city. In other cases the work is carried on at the public library. In Chicago, the former bureau of statistics in the city hall has become a branch of the public library, which also has charge of a "civics room" in the public library building.

Each of the large cities could well establish a bureau of this kind for its own purposes. But for all of the smaller cities to undertake this would be impossible; while so far as it might be attempted, there would be a great deal of useless duplication of effort, and few of the smaller cities could hope to develop an adequate and satisfactory service. For the great number of smaller cities a central bureau in each state will be much more effective.

This situation has been realized and such central bureaus have been established in a number of states. The first was organized by the University of Wisconsin, as part of its University Extension division; and similar bureaus have been begun at the State Universities of Oregon, Kansas, Washington, Minnesota, Texas, California, and Michigan; and also at Harvard University, Western Reserve University and Grinnell College. In a number of cases, however, these University bureaus have been established primarily as working laboratories for the students in the University; and have not undertaken any general work for the cities and city officials of the state. In Indiana, the State University and the State Legislative Reference Bureau, have co-operated in establishing a municipal reference section; and in Nebraska, the State Legislative Reference Bureau (which is connected with the State University) also does some municipal reference work.

A beginning has also been made in this work at the University of Illinois. Perhaps indeed as much has been actually accomplished here as in a number of states which have established a more definite organization, and made more public announcements. But the University authorities in this state have not considered it advisable to make

promises which could not be fully carried out. It seems worth while, however, to state what has been undertaken; and what may be developed on the basis of the steps already taken.

For several years the University Library has been giving special attention to the collection of municipal laws, charters, ordinances, reports, and documents, and also to the large number of miscellaneous publications and pamphlets relating to municipal problems. These are carefully classified and catalogued; and a large part of this collection is gathered together in Lincoln Hall, near the history and political science departmental library, in which is kept the general works on municipal and political administration. Most of the technical treatises and reports of special departments are however classified with the particular subject,—as engineering, landscape gardening, etc. The municipal reference section now consists of several thousand volumes, covering all the available publications in Illinois cities, publications from all the larger and many smaller American cities, and also publications from a considerable number of Canadian, European and other foreign cities.

The Illinois material has been among the most difficult to secure; and the officials can help in making this collection complete by sending the reports and publications from their cities.

Thus far this collection has been used primarily as a working laboratory for advanced and graduate students in municipal government. In connection with their university work such students prepare special reports on particular problems, which not only serve as part of the general training of the student, but aids in giving them an interest in and definite information about municipal problems. This of itself is likely to have indirect results in bringing about a more intelligent understanding of such problems. In some cases the work of graduate students can be made of more direct assistance to municipal officials. A study of municipal revenues in Illinois, by Mr. L. D. Upson, pub-



lished by the University, gives a thorough analysis of municipal revenues in twenty-four Illinois cities, which is of great value to any city officials interested in financial problems. This is the first comparative study of the kind made in this country; and it has been highly commended by students of municipal finance in other parts of the country.

Another graduate student at the University has been making an intensive study of the working of commission government in Illinois cities. This when completed will be a valuable source of information on this subject.

Occasionally this collection of materials have been used in solving particular problems at the request of city officials. A report on garbage disposal was prepared for the mayor of a neighboring city. Other requests for assistance in technical lines have been turned over to the departments specially qualified to answer.

Additional requests of this kind could be more easily invited than properly answered. What can be done without interfering with their regular work, the University staff is ready to do. But to undertake a general system of replying to inquiries and preparing reports on particular problems will require special provision in the way of a definite organization with one or more qualified experts, and also clerical assistance.

In 1909, the Mayors' Association of Illinois at its annual meeting in Elgin, adopted a resolution urging the trustees of the University to establish a municipal reference bureau for this state. What has been done has partially complied with this request, in so far as it could be done along the lines of the primary work of the University. But the University authorities have felt that the special expenses for dealing with specific inquiries should not come out of the University educational funds.

At the last two sessions of the General Assembly, bills have been introduced for definitely establishing such a bureau at the University, with a small appropriation from the state. This has been done in the case of the State

Water Survey; but thus far the bill for the municipal reference bureau has failed to pass.

This Illinois Municipal League and its members can be of assistance in securing the enactment of a state law for this purpose. Or it may be worth considering whether the cities may not by joint action provide the funds for establishing this bureau for their mutual benefit.

The basis for such a municipal reference bureau has been provided by the University, in its collection of materials, classified and catalogued and available for use. What is needed is the means to furnish a properly qualified man in charge of the collection, and to supply the necessary clerical and other assistance, in order to reply to special inquiries, and to prepare and publish bulletins and reports on subjects of interest to the municipalities of the state.

# IMPORTANCE OF THE MUNICIPAL ENGINEER IN AN EFFICIENT CITY ADMINISTRATION

BY IRA O. BAKER

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The two most important branches of city administration are those of public safety and public works. The term public safety is here used to include the police, the health department, and the fire department; and the term public works is used to include water supply, sewers, pavements, and public buildings. There are other important branches of city administration, for example, financial and legal; but the matters relating to public safety and public works, at least in the attention and amount of money required, are much the more important. In the amount of money expended the department of public works is more important than the annual appropriation to that department would seem to indicate; for that department not only spends a considerable proportion of the general taxes, but also spends very large sums raised by special assessments. It is not unusual for the annual budget to show an appropriation of one or two thousand dollars to the city engineer, while in fact that official may direct the expenditure of fifty to one hundred times this annual appropriation. The work involved in connection with the construction and maintenance of public works is largely of an engineering character; and therefore the engineer should have an important part in this branch of city administration. The writer has long been of the opinion that the importance of the city engineer in municipal affairs is usually underestimated, particularly in the smaller cities. The term "City Engineer" is nearly synonymous with the term "Civil En-

gineer", and for the convenience of this discussion it will be assumed that the city engineer is, or should be, a civil engineer, although there are some functions connected with a city engineer's office that are not ordinarily considered as being in the field of a civil engineer. Of course, in this case the city engineer should employ one or more specialists, either temporarily or permanently.

The fact that the public generally under-estimates the opportunities for the city engineer and also the importance of his work is not unnatural; and is probably due to the fact that engineering as a profession is comparatively new, and that consequently the public does not generally understand the functions of the engineer. Not a few people assume that the usual county surveyor is a representative of the civil engineering profession; but in mental equipment and in engineering training the typical county surveyor is far from being a fair representative of the civil engineering profession, and the legal duties of the county surveyor are the simplest of surveying. Surveying is only one branch, and usually a minor feature, of the practice of a civil engineer. However, the surveying operations connected with the development of a city are important enough to warrant the employment of a really competent engineer; and the failure to have the surveying work properly done and properly recorded often seriously embarrasses the administrative officers, and not infrequently leads private citizens to expensive litigation that might have been easily prevented. But, if the only duties of a city engineer were properly to survey lots for private citizens, establish the elevation of a sidewalk, and determine the proper grade for a drain, then it would hardly be wise to consume the time of this meeting in considering the work of the city engineer.

The construction of public improvements involves numerous matters of a real engineering nature; and unless these matters are carefully studied, there may be a useless expenditure of money and perhaps a needless waste of human life. For example, the selection of a form of pave-

ment best suited to the locality or to a particular street is a problem requiring considerable engineering knowledge and skill. Also, the establishment of the best system of grades for a pavement is a matter of importance both to the users of the pavement and the owners of the adjacent property; and a proper balancing of conflicting interests sometimes calls for wise discrimination and a high degree of tact and diplomacy. Again, the planning of the proper disposal of storm water, both on paved and unpaved streets, requires careful consideration; and an error in this respect may flood the cellars of adjacent property and possibly jeopardize the health of some of the citizens. Still again, the construction of an economical but adequate system of sanitary sewers requires a knowledge of the experience of other cities, and also demands a careful study of local conditions; and if such knowledge is not employed, the system may not work efficiently or may soon be outgrown, or the system may be built so large as to be needlessly expensive for a long period. Similar illustrations could be given of opportunities for the employment of engineering knowledge and skill in the planning or the operation of water works and lighting plants, in the building of bridges, in the construction of public buildings, and other undertakings.

The managers of large manufacturing and mercantile enterprises have pretty generally come to believe in the principles that have just been stated, that is, in the importance of the work of the engineer. Many large corporations employ professional engineers to look after the construction and maintenance of their buildings, power plants, and machinery. It would probably greatly surprise some of you to know the importance that some large corporations attach to engineering advice, both in purely engineering matters as well as in some things not ordinarily considered as being connected with engineering operations or with the work of an engineer. While I was preparing this paper an example came to my knowledge that illustrates this point. A city had raised the grade of a street across

a creek bottom, and thereby restricted the flood flow of the stream. A manufacturing firm having a plant up-stream from the improved street, brought a suit against the city for damage due to back water; but first employed an engineer to prepare its case. Upon the face of this report the manufacturer seemed to have a promising case; but when the city engineer, who was a competent self-reliant man, had investigated the matter and made a report, the city's position was seen to be impregnable. This is only one example of the value of expert engineering services to a municipality.

When we stop to think that an engineer is a man versed in the economical and safe use of building materials, in the efficient operation of machinery, in the erection of buildings, the construction of roads, the building of bridges, etc., it is not surprising that he is able to give valuable advice concerning the conduct and management of large enterprises—both engineering and otherwise. The professional training of a civil engineer fits him to become a missionary of science, since he offers to the world the benefits of his technical knowledge. In a peculiar degree the engineer serves the public in his professional work. He serves the public in the building of a bridge, in the construction of a sewer system, in the establishment of a pumping station, in the construction of machinery to do the world's work, in increasing transportation facilities by building roads, pavements, railroads, and canals. In fact, an engineer is responsible for nearly all operations which involve the outlay of large sums of money.

The intellectual training and practical experience of an engineer tends, perhaps more than the professional training of any other man, to fit him for administrative positions, particularly those connected with engineering works. The public has come pretty generally to understand the importance of the technical knowledge of an engineer; and is in recent years rapidly coming to appreciate the managerial ability of engineers. Perhaps for this audience the most interesting illustration I can give of this

fact is the following: In the short time available for the preparation of this paper, the author has been able to find certain particulars concerning fourteen American cities that have comparatively recently adopted the city manager plan of government. As far as the author can learn, this list includes all of the cities that have adopted this plan. Of these fourteen, it is known positively that eight have elected civil engineers as city managers. Of the remaining six, one had not made a selection, the professional training of three others is not stated, and of the remaining two, one was a graduate of a state normal school and one was a County Clerk. Of the nine city managers whose professional training is recorded, seven are civil engineers.\* These data seem to show that those responsible for the most advanced ideas in city government appreciate the importance of the civil engineer as an executive officer, and also as a director of public works.

Apparently an important factor in the failure to recognize the value of engineering ability in city affairs is the disposition to regard a public office as a private snap. In other words, the controlling idea in many cases seems to be to "keep the job at home"; and as engineering as a profession is comparatively new, and as there are comparatively few really competent engineers resident in the smaller cities, the practice is to put the direction of the city engineering work into the hands of some local man, even though he be deficient in both engineering knowledge and engineering experience. The author could cite several cities of considerable size in which the election of the city engineer could be roughly described by saying that each incoming administration promotes to the position of city engineer some young man whose only engineering knowl-

\*The following cities have elected civil engineers as City Managers: Dayton, Ohio; Springfield, Ohio; Cadillac, Mich.; Sumter, S. C.; Morgantown, S. C.; Morris, Minn.; Phoenix, Ariz.; Inglewood, Calif. La-Grande, Ore., elected a graduate of a state normal school; and Amarilla, Texas, elected a former District Clerk. The professional training of the City Manager of the following cities is not stated: Hickory, N. C.; Montrose, Colo.; Abilene, Kansas.

edge or experience is that obtained in a subordinate position under the city engineer of the preceding administration.

This process of inbreeding has resulted in placing engineering work of a considerable number of cities in the hands of men who have had little experience and who are almost wholly unacquainted with the experience of other cities; and as a result public interests have greatly suffered. If the municipality is more interested in providing jobs for its own people than in obtaining efficient service, then of course it can not be expected to hire an out-of-town expert, even if there is no local man who is competent. But, if efficient service is to be taken into consideration, it is obvious that when the right man is not available at home, he should be looked for wherever he may be found. Of the seven city managers who are civil engineers, previously referred to, at least five were brought in from out of town, which indicates that those responsible for the selection of the city manager regarded it more important to find an efficient man than to secure a job for some local person.

Unfortunately, in the past, the term of service of the city engineer has been so brief and the value of a really competent city engineer has been so little appreciated, that a comparatively small number of young men are willing to prepare themselves for the duties of the city engineer, and many engineers who could render valuable service in such a position are unwilling to accept a position as city engineer. This is an unfortunate state of affairs, for it increases the difficulty of a municipality in securing adequate service.

There is another phase of the management of municipal engineering work that is worth a moment's consideration. It is not unusual when a piece of engineering work, particularly a pavement, is to be constructed to appoint a local man as inspector; and not unusually such an inspector has no experience or training fitting him for that particular work, and not infrequently he is lacking in the mental acumen and force of character necessary for the



efficient carrying out of the duties of his position. In other words, not infrequently some amiable and benignant old gentleman is appointed to inspect or oversee the construction of a pavement, even though he has no technical knowledge of such work. Of course, it goes without saying that a man lacking in technical ability can not be of much value in such a position. It is possible that work done under such inspection may be well done; but if so, it is because of the good intention of the contractor, and not because of the efficiency of the inspector. The employment of such an inspector is essentially a waste of money; and it is entirely possible that the employment of an ineffective inspector may result in a far greater loss than the amount paid to him.

For example, a year or two ago I was called to one of the smaller Illinois cities to advise concerning the concrete foundation for a pavement. The foundation as laid was unquestionably very poor. A prominent citizen, apparently with no qualifications for his office, had acted as inspector; and had permitted the use of an exceedingly inferior sand. The contractor claimed that as the official inspector had been upon the job and had accepted the sand and also the concrete during its construction, the foundation itself had been accepted. Undoubtedly there was some force in the contractor's position; and here was an opportunity for an expensive law suit. The writer has had more or less to do with a number of somewhat similar instances. In nearly every case he was asked to aid in locking the stable door after the horse had been stolen. In a number of these cases, the city would have been in a much stronger legal position had there been no inspection. Any experienced contractor who so desires can easily "pull the wool over the eyes" of almost any layman inspector. I could cite a number of examples of this, if it were worth while so to use the time.

In passing, I am reminded to say that one of the most important functions of the city engineer is in the preparation of specifications. Loosely drawn specifications are

invitations for inferior work or for a settlement through a law suit. Not infrequently an inexperienced, but thoroughly conscientious, engineer with commendable intentions specifies a grade of workmanship much in advance of that customary in the trade, or specifies a quality of material much better than that ordinarily found on the market; but both of these specifications are nearly certain to increase the price of the work without materially improving the product,—even if it improves it at all. The prevention of an unnecessary increase in the contract price of work through an excess of caution is only another instance in which the city is in need of thoroughly expert technical service.

Again, the trained engineer can give valuable assistance in planning ways and means for street cleaning, for the removal of snow, and for the collection and disposal of garbage. Not infrequently these functions of a city administration are performed without any adequate organization or co-ordination, and are often left to the direction of a man without knowledge of the practice of other cities, or perhaps without sufficient executive ability either to plan or to execute a reasonably efficient method of operation. The ordinary professional experience of a civil engineer fits him to render valuable service to the community in the direction of such operations.

Perhaps a word of personal explanation may not be out of place at this point. I am Professor of Civil Engineering in the University of Illinois, and desire to do all I can to promote the interests of my students; but I conscientiously believe that all I have said in this paper has been solely in the interests of more efficient municipal government, and I am not conscious that my interest in my students has influenced any of my statements. I firmly believe that it is an advantage, both to the individual and to the public, that a young man intending to practice engineering should have collegiate training in that subject. I do not claim that because a young man may have attended an engineering college or may have graduated from such an institution,

he is a competent engineer. Unfortunately no engineering college can give its students all the elements necessary to make an efficient engineer. A college training does ground the young man reasonably well in the fundamentals, and gives him some knowledge of engineering practice; but no engineering course can give any considerable degree of initiative and self-reliance to a man who by nature has no such traits, nor is the man just out of college likely to have a mature judgment. A college training can not do much to develop the tact and spirit of diplomacy that should be possessed by a city engineer in dealing with his fellow administrative officers, with contractors and with the public; but the college student is no worse off in this respect than the man who has not been to college. Although a college training can not make an experienced engineer out of a young man, it usually teaches him how he can learn something of the experience of other engineers or of other municipalities, and he is thereby the better fitted to render more efficient engineering service than though he had been trained only in the affairs of an engineer, and perhaps had been lead to believe that the way in which he had been taught to do a particular kind of work was the only way for doing it.

I am not urging that a municipality should employ a college graduate as a city engineer; but I do claim that other things being equal, a college-trained civil engineer is likely to render more efficient service than a man of equal ability not having such training. I freely admit that there are some excellent engineers who have never been to college; and I also equally freely admit that some engineering graduates lack in forcefulness of character, are weak in initiative, and are not tactful in dealing with others. By all means, employ a man of forceful character, self-reliance, strong initiative, good judgment, cool temper, tactful manner; and if possible obtain a man with a college education. A college diploma is reasonably good evidence that a man has successfully pursued a certain amount of engineering studies; while the value of the practical experi-

ence of a non-graduate is a matter of more or less uncertainty.

I presume that all of my audience have heard of the advice of the farmer to his son who was just starting out to farm independently for himself. The son was urging that it did not pay to curry the horses. The father simply said: "Try giving a double dose for a time". In a similar manner, if any municipality has not had entirely satisfactory engineering in the past, I urge that it try a more competent engineer for a time—if you please, get a man worth twice the salary formerly paid. There is nothing very radical or new about this advice. If a member of one's family is seriously sick, we do not call a benevolent layman or even an inexperienced physician; and if one has a law suit on hand involving a considerable sum, one does not employ a carpenter or even an inexperienced attorney. Why then should a city which surely has large engineering interests under its control, employ an uneducated or inexperienced or incompetent city engineer?

Finally, it is perhaps superfluous, particularly in this meeting, to urge that, if a competent engineer is employed, he should be given reasonable freedom in appointing his subordinates and then should be held to strict accountability for results.

## THE DEPARTMENT OF PUBLIC SERVICE

*By Montague Ferry, Commissioner of Public Service,  
Chicago*

I feel that it is a great honor to be permitted to speak before the Illinois Municipal League and to have the opportunity to tell about what we are doing in Chicago to solve the many complex utility problems with which we are confronted.

In regard to the State Commission, the work of which has been so ably presented by Mr. Shaw, I wish to say that we have been impressed with the high character of that body and their seriousness of purpose. Our relations with them have been harmonious and in the few matters in which we have come in contact, we have been able to co-operate, we believe, to mutual advantage.

For the benefit of some of those present, who may not be familiar with the situation in Chicago, I have thought it well to go back a little into recent history and refer to some of the events which led to the formation of the Department of Public Service of Chicago.

With the growth and expansion of utilities and consequent increase in number and complexity of problems, the agitation for some kind of commission regulation in the state became active, until on May 18, 1911, a Joint Committee composed of five members from each branch of the Legislature was created to investigate the relation between public utilities and the people. This Committee's report after discussing various phases of the subject and citing results obtained by various Commissions recommended a single Commission for the entire state. The report, however, was not unanimous and a minority report was submitted criticising the report of the majority for denying the Home Rule principle. I will quote from this report:

"The majority report says that almost without exception outside of the City of Chicago the municipal authorities freely admitted that they are unable to deal intelligently with questions pertaining to rate making, valuation of utility properties, application of the principles of depreciation, the compulsion of proper and adequate service, and the many scientific, technical, engineering and accounting questions necessary to the proper regulation of public service corporations.

"This certainly does not prove that local municipal commissions would not accomplish what the municipal authorities thus far have been unable to obtain. It rather proves that these local authorities have failed in their efforts because they have not been provided with the machinery and the power necessary to enable them to take up the solution of these questions in a scientific way. The City of Chicago during the past fifteen years, with very scant authority to handle public utility questions, has accomplished more than any other city on the continent along these lines.

"Would anybody contend that the office of Commissioner of Public Works for the city of Chicago should be abolished, and that a state official should be appointed in his stead? We think not—and the reason is that this office can be exercised more wisely by a local official than by a distant authority.

"A majority of the committee thinks it has a good illustration in the supervision of health, and says: 'matters pertaining to the supervision of health, whether belonging to Cairo or Chicago, are supervised by the state authorities.' This may be true to a certain extent, but the fact remains that Chicago has her local Health Department which carries on the real work of health supervision in the city. The City of Chicago for the year 1913 appropriated \$723,211.20 for its Health Department, which is one of the most efficient in the land, while the Legislature appropriated for the State Board of Health only \$103,000.00 for the same work. It is readily seen that the City of Chicago spends more than seven times as much yearly for health protection of its citizens and those of the state at large as the state Board,"

The minority report also called attention to Governor Dunne's remarks favoring Home Rule in his inaugural address before the 48th General Assembly:—

"In addition to a law conferring the right of municipal ownership, and another creating a State Utilities Commission,

we need legislation conferring upon cities that choose to exercise it, the same rights of control over all their city utilities that they now possess with respect to water companies. Chicago secured such a right with respect to gas and electric companies about six years ago. A similar law with perhaps some additional powers should be passed for all cities."

The Hon. Chas. S. Deenen, is quoted as follows:—

"The next matter of importance concerns the scope of authority of such a commission. Home Rule is the fundamental principle of government in this country. It is important that the principle shall be conserved as far as possible in all governmental activities, national, state and local. In pursuance of the principles of Home Rule, we would naturally expect to let at least the more important municipalities of the state create and manage their own commissions on public utilities. On the other hand, the efficiency of such commissions might possibly be impaired by a limitation of their authority by city lines. The public utilities problems of the City of Chicago are so great and so complex as to require the entire attention of such a body of experts as would compose the commission."

During the period that the State Joint Committee had been investigating utilities regulation, *sentiment for Home Rule was growing in Chicago*, with the result that on November 25, 1912, Mayor Harrison submitted through the Common Council a resolution to the Governor and General Assembly of the State, part of which is quoted herewith:—

"Whereas, the people of Chicago are firmly committed to the principle of the broadest measure of local self-government commonly called 'Home Rule', compatible with the proper conduct of the affairs of the sovereign State of Illinois, but more particularly in the control and regulation of those great public utilities mentioned in said joint resolution in the City of Chicago, and

"Whereas, in the past fifteen years the City of Chicago, through its officials and citizenship, has waged a vigorous campaign for the broad progressive principle of 'Home Rule' in dealing with all agencies which supply to the people of this city the common utilities and services necessary to modern municipal life and development such as described in said joint resolution, that is to say, gas,—electricity for light, heat and power—tele-

phone—subways—docks and wharves, and others not mentioned therein, such as street railway service, both surface and elevated, and

“Whereas, no large city in America has accomplished more for its people in the regulation of such public utilities than has Chicago, and

“Whereas, there is no public sentiment in Chicago for a change in governmental control of such public utilities, but on the contrary there is now and has been for some time past a demand that Chicago should have a special charter with powers therein conferred commensurate with its needs and guaranteeing to it the privileges of ‘Home Rule’.

“Now, therefore, be it Resolved, that this body hereby declares itself as unalterably opposed to and it protests against the passage of any law by the General Assembly of the State of Illinois creating a commission which will have jurisdiction and control of the public utilities described in said joint resolution or any other law which deprives the people of the City of Chicago of ‘Home Rule’ or local self government in any and all matters relating to the management and control of its public utilities and the corporations operating same; and be it further:

“Resolved, that bureaucratic government is contrary to the American Representative Government”.

In spite of the minority report of the Joint Committee and of this strong protest from Chicago, a city which alone contains forty-three per cent (43%) of the population of the entire state, the State Public Utility Act was forced through without the Home Rule clause and Chicago was left high and dry, so to speak.

The injustice was keenly felt by many of our citizens and this feeling crystalized into action on the part of the Common Council of Chicago, which resulted in passing an ordinance creating the Department of Public Service. The first draft of this ordinance provided for a Commission of three; being the Commissioner of Public Works, the City Comptroller, and a Commissioner of Public Utilities. It was, however, finally changed to read in part as follows:

“That there is hereby established an Executive Department of the municipal government of the City which shall be known as the Department of Public Service and



which shall be under the supervision and control of a Commissioner of Public Service."

The department contains five bureaus—one for each of the important utility companies—gas, electric light and power, transportation, telephone and the engineering bureau which handles valuations and most of the statistical work.

In this respect, our organization is superior to that of the regular state commission form of organization, in that the high salaries are paid to experts who have special experience, each in his own line of utility work, instead of to the Commissioners, who are usually men appointed because of their prominence in public life and general ability or judicial experience. These bureau heads have been selected with great care and men who have had from eight to nineteen years experience in their respective lines of work are now in charge of the bureaus.

The department has been plunged into a tremendous volume of work inherited from other departments, from the Council committees, and from the many complaints directed to it as a result of the publicity incident to its formation. In addition it has been hard at work upon some of the larger issues which exist because of local conditions. Among these may be mentioned the concentration of control of the electric light and power, street and elevated railways, and gas companies. This situation is felt by many to be a menace to Chicago and is discussed in our report on the "Interlocking Control of Public Utilities" as follows:—

"It is generally recognized that by the consolidation and unified operation of small utilities, great economies in production and distribution are made possible by which it may happen that the public receive better service at a lower cost. When, however, such tremendous responsibilities and the interests not only of the public, but of a great body of practically unrepresented security holders rest in so few men, it is matter of some concern. Situations inevitably arise which can only be justified by conceding these men, like the late Edward H. Harriman, to be above

the level of ordinary humanity and free from the weaknesses which limit and the rules which control the generality of men:

"Imagine Samuel Insull, Henry A. Blair and John J. Mitchell, called upon as directors in the various transportation companies to approve contracts for the supply of electrical energy by the Commonwealth Edison Company. Will they, sitting as representatives of the stockholders in the several transportation companies and entering into contracts which will affect not only the dividends of these stockholders, but in the case of the street railways the amount of profit paid to the City of Chicago, forget that they are also directors of the Commonwealth Edison Company?

"Will they deal at arms length (with themselves) and seek as vigorously to secure power at the lowest possible cost as they would were the Commonwealth Edison Company one with which they had no connection?

"Imagine Samuel Insull, John J. Mitchell and James A. Patten, a majority of the Executive Committee, directing the affairs of the Commonwealth Edison Company sitting as a majority of the Board of Directors of the People's Gas Light and Coke Company. An engineer's report is before them which shows that by proceeding with the construction of a coal gas plant of the by-products coke oven type on the land already acquired in the southwestern portion of the city, it will be possible to produce gas of a quality suitable for all the uses to which gas is applied at a much lower cost. That under competitive conditions these men would proceed vigorously to carry out the recommendations of the engineer, few will doubt. While the rule that reasonable rates are fixed by the cost of production and distribution, might give to the public a large share of the benefit from the economies in manufacture, while the building of this plant might secure to the general public gas at from 50 cents to 60 cents per 1000 c. f., and large consumers a rate as low as 40 cents, there should, and it is believed there would be, a disposition to permit the company furnishing such a valuable public service an increase in the rate of return. Certainly such progress as would put gas in a strong position in competition with coal as fuel and in power production would greatly increase its field and put the utility on a most solid basis.

"When this situation arises, and it is believed to have already arisen, as a question up for decision, will these men sink their connection with the Commonwealth Edison Company—will they

put from their minds the possible effect of the 50 cent gas rate upon the sales of electricity for light and power? Will their action be governed solely by what is for the advantage of the men who own stock in the People's Gas Light and Coke Company? In the past, the gas utility has been compelled to carry the burdens of high finance, to purchase from wasteful competition by paying much more than the real value for the plants of competing companies, to provide profit outside of dividend returns, to men who have been able to manipulate its affairs.

"Even from the standpoint of the stockholders, the great body of men and women who purchased the securities, there is no assurance of advantage in the pyramiding of control. As interests become spread out and diversified, a careful oversight becomes more difficult, the maintenance of efficiency in the management less certain.

"We believe such concentration should not be permitted unless the power of the city to regulate service and rates is correspondingly strengthened".

Another little matter upon which we are now working is the valuation of the Chicago Elevated Railways. We are not the first to do this. A careful valuation was made by specialists representing the city and another by engineers hired by the company. The totals did not agree by some thirty million dollars, largely represented by intangibles. We are trying to capture these intangibles and see what they are worth and also to check the physical valuation. Whether a merger proposition will finally be worked out on the basis of this valuation cannot be predicted at this time.

Refusal of service to new subscribers, especially in outlying districts causes much complaint, and the problem is common to the gas, telephone, electric and street railway utilities. The utility company naturally desires to have the new subscriber defray the expense of extending service facilities to his premises in the form of a large deposit. In the old days under competitive conditions the company was glad to extend the service to get the business and charged the expenditure to "cost of getting business."

One of the most important problems with which we have to deal is the disposal of the automatic telephone sys-

tem of the Illinois Telephone and Telegraph Company. This system has struggled for years in an unsuccessful attempt at telephone competition. Its owners appear willing to sell out. The act of sale, however, automatically would forfeit the entire plant to the city if the terms of the ordinance were complied with. Such a forfeiture is also conditioned upon failure to serve 20,000 bonafide subscribers. It is thought by many that there are not 20,000 lines in service, so that the Department of Public Service has been ordered to count these telephones. The question is further complicated by the fact that tunnel right of way of enormous value is protected by the same franchise and that these tunnels are used to conduct the automatic telephone wires and cables.

Telephone coin service has caused considerable investigation and publicity. The nickel first was considered a nuisance and sometimes dangerous because the operator cannot be reached if a slug is not at hand. The nickel last service, however, was not satisfactory to the company because it meant with some people "nickel never"—so the Hoefer system or "nickel in the middle" has been tentatively adopted. The coin is not needed to get the operator but must be dropped before the called party is connected. This seems fair enough but people say the company collected the nickel sometimes when there was no connection.

The recent rules issued by the State Commission have caused some publicity in Chicago because of the reduction in gas quality which they allow. We pointed out to the public that the present rate of 80 cents should be reduced if the heat value was lowered. It is believed that a rate as low as 50 cents per 1000 c. f. would be possible if the coke oven gas process was substituted for the present water gas process of manufacture now in use. There might be a somewhat smaller profit at this price. At present the net profit based on last year's sales amount to 31 cents per 1000 c. f. out of the 80 cents. Even with this same profit, a rate in the neighborhood of 50 cents is possible with the coke oven process, and of course the sales would be larger.

Those who are more or less familiar with the internal workings of the Chicago utilities and know anything at all of their practice, procedure, rules or regulations that govern them in dealing with the public or their consumers, know only too well the necessity and wisdom of dealing with these people directly across the counter, so to speak. Practically all of the utilities now operating and supplying service to the people within the limits of the City of Chicago acquired the rights for their corporate existence through special acts of the Legislature. Practically all of them have by questionable methods and through questionable routes reached the monopolistic stage. By reference to compiled tables of statistics it will be seen that nearly half of the state population, and in consequence the business of the utilities, falls within the corporate limits of the City of Chicago.

The City of Chicago through its Mayor, City Council and executive departments has been able effectively and efficiently to deal with these monopolistic corporations. In this respect it has surpassed any city of its size in the country. Our shortcomings and failure to bring about a more satisfactory condition of affairs is due largely to arbitrary judicial decisions and the political influences at work in Springfield. The trite argument that the city is not in a position to appoint or engage as capable and impartial experts as members of a utility commission, does not hold water. Legislating and enacting laws by a body of men totally removed from the environs where such laws purport to apply does not induce confidence in the people who pay the bills. Chicago is a progressive city and has countless number of times demonstrated the fitness of its motto—"I Will". If the State Legislature will only grant us the proper power to deal with our own local affairs and utilities, you can rest assured that the executive department charged with the responsibility of dealing with the utilities will be composed of the most impartial and the best expert talent available.

Many problems and questions in dispute arise as between the seller and consumer. The price to be charged

for a commodity, the quality and character of the service supplied, the rights of the utility and consumer respectively to sell and buy such service and the rules and regulations governing the conditions under which this service is sold are or should all be fixed by properly flexible ordinances or laws. These laws are more or less complex and it is necessary that they should be amended from time to time so that the rights of the people, the city, and the utility company, shall always be conserved. To do this work efficiently, it is necessary that the department have in its possession all the available data and information relative to the rules and regulations governing the business of the utilities over which it has jurisdiction. Who or what body of qualified experts, may I ask, is in a better position to recommend ordinances relating to rates or service standards, to adjust innumerable complaints, or to carry on the work as set forth above, than the men who come in direct contact with all phases of the work, day in and day out?

In order to maintain a healthy state of affairs and to insure that the most harmonious relations exist between the utility and the people, it is absolutely necessary that complaints and grievances be *promptly adjusted*. Appeals to State Commissioners for relief, as a rule, involve extended delay and in many cases the result does not justify the time and energy expended in bringing the case before the Commission. State Commissions and rules are formulated in such a manner as to discourage and make it difficult for consumers or users of service to appeal to the Commission for relief.

The executive departments of the city are co-operative and interrelated. People are naturally accustomed to calling by 'phone or visiting the City Hall, in quest of information or relief in matters municipal or with complaints against the gas, electric, telephone or traction utilities. The Department of Public Service of the City of Chicago makes this procedure very simple and informal. Wherever relief is possible under an existing ordinance action is taken immediately. The majority of such matters

are purely municipal and people would with difficulty become accustomed to refer them to a foreign body for solution.

Oftentimes misunderstandings arise as between the utility and the consumer and these cases are very quickly disposed of, creating confidence and efficiency. If time were at my disposal, I could cite hundreds of cases that were satisfactorily disposed of by this department, which by the very nature of them would never have been taken up with the State Commission.

Quoting from Mr. Bemis' talk before the City Club of Chicago:

"We are proposing to load our Illinois commission with obligations greater than those assumed by any public utility commission in the country. In Illinois, the amount of electric light and power distributed is nine times that distributed over the whole state of Wisconsin. The amount of street railway and elevated railway fares collected is nine and a half times as great. The population of Illinois cities of over 20,000 population, exclusive of Chicago, is ninety per cent greater in Illinois than in all of the cities of similar population in Wisconsin. A separate commission for Chicago alone would have as much to do as any public utility commission in this country. To place all of the utilities of the state under a single commission would be, as I have said, to give that commission more business than it could handle, yet it is proposed to give it only fifty thousand dollars a year in addition to the salaries of the commissioners. Such an appropriation will not begin to do the work."

I have in mind a case that was brought to the attention of this department. A consumer living in a newly built home located in the outskirts of the city desired gas service. In order to supply him with gas it was necessary for the gas company to extend its mains in the street approximately 283 feet. The rule of the company is to extent its mains one hundred feet free of charge, for every meter installed. There was another house being built within the distance of 283 feet, which the gas company allowed an additional free main extension of one hundred feet. This left a balance of about 83 feet for which the gas

company required a deposit at the rate of 90 cents per foot. This money to be refunded any time within a period of three years when there shall be one meter in use for each one hundred feet of main extension. The party desiring this service did not see fit to make the deposit demanded by the gas company and appealed to the State Commission.

The recently adopted rules of the State Commission contains provisions for the perfunctory duties of testing gas and other meters upon application from consumers. How they propose to do this work cheaply, effectively and expeditiously is quite questionable. You are respectfully referred and asked to read over the published bulletins of the Chicago Department of Public Service. In a complaint made by a consumer of a high gas bill, the meter was brought into the City laboratory for test and was found to be registering correctly. The meter when removed for test was, of course, replaced by another. The gas bills fell off from an average of about \$17.00 to something like \$6 or \$7. What was the cause? Gratuitous advice to the consumer in the use of appliances, simple adjustments in some of the appliances, and intimate knowledge of these conditions and a proper organization to be of real service to the public.

In a city like Chicago with public service corporations serving a population of 2,423,000 people, distributed over an area of approximately 192 square miles, it necessarily follows that the volume of business handled by the utilities is comparatively large. Many problems and questions and disputes arise as between the seller and user of service. Traction, electric, telephone or gas service may be poor or inadequate.

Traffic congestion within the loop interferes with surface car and elevated transportation. It may become necessary to have more and better traffic regulations and perhaps a re-routing of certain car lines. The electric company arbitrarily refuses to extend its lines and poles so that hundreds of applicants might enjoy this service, because a large share of the capital controlling this corpor-



ation is being used to finance the European war. The telephone company persists in supplying poor service at extortionate rates. The gas company for reasons best known to itself continues to use the expensive and old fashioned process of water gas manufacture, necessitating the use of enormous quantities of gas oil, when other progressive cities are enjoying the benefits of the modern coke oven gas process. These and many other problems are immediately before us; and it is our hope that the members of the next Legislature convening in Springfield will see to it that the proper action is taken to grant Chicago and other municipalities power sufficient in extent and scope to enable us to prosecute our work in a manner that will result in great and lasting benefit to the people.

## DISPOSAL OF MUNICIPAL SEWAGE

BY PAUL HANSEN, ENGINEER, STATE WATER SURVEY

Sewage disposal is one of the most complex and at the same time one of the most unwelcome problems with which a municipality must deal. It is complex because there is first a great variety of means and methods from which a choice may be made and, secondly, the influence of local conditions is so great that a rational solution of the problem cannot be reached unless all local conditions are given careful and detailed study. It is unwelcome because the resultant benefits from costly disposal works generally accrue to riparian owners in a downstream direction rather than to the community itself. For this reason inoffensive sewage disposal is rarely taken up until forced upon a community by threatened damage suits or by order of the state board of health or other central authority; and when it is taken up the usual experience is that all funds available have been used for other purposes. About the only hope for speedy relief to and just treatment of aggrieved parties so far as municipal sewage disposal is concerned is the authorization of some state authority by legislative act to permit under proper restrictions and safeguards the issuance of bonds, payable out of the general taxation and in excess of the present limit imposed by law. The cities of Decatur, Bloomington and Galesburg are now facing this situation; and it will be a matter of relatively few years before Springfield, Elgin, Aurora, Danville and many other cities must face it also.

Within the limits of a short paper, no sufficiently comprehensive discussion of sewage disposal methods can be given to enable one to decide what method or methods are best applicable to any given set of local conditions. A brief description of a few of the most important devices

and a few remarks as to the conditions under which they can most advantageously be used may, however, be of interest.

Disposal of sewage by dilution is by far the most commonly used and where applicable is a method recognized as an entirely proper one. To certain extremists and idealists, disposal by dilution is regarded rather as an absence of method and a mere crude expedient that should not be tolerated. Those, however, who have given the subject most study and thought believe that streams may be used as drainage courses for sewage and industrial wastes without offense and without injury to public and riparian rights, provided the method is carried out scientifically. Properly to dilute crude sewage, there must be broadly speaking, from four to six cubic feet per second of normal unpolluted flow in the stream receiving the sewage to every 1,000 persons contributing sewage at any one point. The sewer outlets must be so constructed as to secure a rapid and thorough mixture of the sewage with the water of the stream. Frequently it is desirable to screen the sewage before discharging into a stream and this is accomplished by screens varying from very fine to very coarse, depending on circumstances. Screens are primarily serviceable in removing unsightly floating matters, but the very fine screens are also effective in preventing the formation of sludge banks.

In sluggish streams even where dilution is adequate, it is generally necessary to remove the settleable solids in sedimentation tanks, otherwise sludge banks will form which, when in a state of active decomposition, create foul odors and unsightly conditions.

When disposal by dilution is not permissible because of the absence of a sufficiently large stream or other body of water, it becomes necessary to resort to some form of land treatment. Application of sewage to farm land, or sewage farming as the process is generally called, was the first method of land treatment resorted to. This method which is highly developed in some European countries appeals

to the imagination because of the possibilities which it affords of utilizing the moisture and conserving the manureal value of the sewage. While sewage farming has had a degree of success at Berlin and Paris, where conditions of labor, climate and soil have been especially favorable, the process broadly speaking has not displayed economic advantages over the more intensive processes that make no attempt at sewage utilization. Particularly in America, sewage farming has not been found economically applicable; and even in the arid west, it has found but very limited adoption. As a method, however, it should be kept in mind because there occur from time to time peculiar conditions under which it may be adopted economically and effectively.

Broad irrigation differs from sewage farming only in that the former places emphasis on disposing of the sewage while the latter places emphasis on growing crops. Areas required for these processes vary from two to ten acres per 1,000 persons contributing sewage.

Intermittent sand filtration represents the first step toward intensive methods and consists in the application of sewage once or twice per day on well underdrained sand beds either natural or especially prepared. With this method an acre of beds can purify the sewage from 300 to 1200 persons, depending on the character of sand, character and strength of sewage and extent of preliminary treatment. For large treatment works, sand filtration has been virtually superseded by more intensive methods; but for small communities, especially where a high degree of purification is necessary, it still affords the best all-round method in a great many cases.

Contact beds consisting of shallow water-tight basins in which sewage is permitted to stand for an hour or two in contact with a relatively coarse material such as broken stone, coke or cinders, are, like intermittent sand filters, practically superseded by still more intensive treatment; but in special cases, particularly where odors near the treatment works must be avoided, they still have a valuable place. Where, for example, a highly purified effluent and

a strict avoidance of odors is demanded, contact beds for preliminary treatment may be effectively combined with intermittent sand filters. Contact beds four feet deep will handle satisfactorily the sewage from a population of 5,000 per acre.

Of all devices intended to produce a stable effluent, so-called sprinkling filters are in greatest favor at the present time. This device consists of a thoroughly under-drained bed of coarse material, five to nine feet in thickness, provided with means for spraying the sewage uniformly over the surface. With intelligent care and correct design this method is applicable to any size plant and is generally the cheapest to build for a given population contributing sewage from 15,000 persons in small plants and the sewage from 18,000 persons in large plants. As the effluent from such beds contains suspended matter, it is usually given a brief period of sedimentation before discharge into a water course.

During recent years much attention has been given to preliminary treatment by screens and sedimentation tanks and to the so-called sludge problem. Fine screening and short periods of sedimentation are favored, as both produce a "fresh" effluent relatively free from odor and necessary for good results in filtration processes, yet they remove a substantial proportion of the suspended matters. Fine screening because of the more or less elaborate machinery required is best applicable to very large installations; while tanks possibly assisted by relatively coarse screening are best adapted to medium sizes and small installations. Where fine screens are used the solids may be pressed to free them of water and then burned under boilers or in specially constructed furnaces or it may be plowed under. Where sedimentation is used, the sludge is digested in separate digestion chambers in which it is permitted to rot thoroughly. The resulting product is relatively small in bulk, not offensive and may be easily dried on thin drainage beds of sand. The dried sludge has much the character of rich garden soil and may be disposed of on dumps or spread on lawns.

The foregoing discussion relates to the more important means of sewage treatment. They are now well understood and can be used with high degree of assurance. In addition to these there are various special methods and methods, not as yet generally acceptable as reliable or of broad applicability. Among the latter are various forms of aeration, certain of which are promising of satisfactory and economical results.

By way of summary it may be stated that a variety of means and methods are now available, which permit of reliable and reasonably economical solutions of municipal sewage disposal problems; but these problems in their very nature are so complex that they should not be undertaken without most competent engineering advice. Furthermore a community before issuing bonds or entering into contract for the construction of sewage treatment works should submit plans and specifications to the central state authority having control over stream pollution (in this state at the present time the Rivers and Lakes Commission) and receive the approval of that body. In this way an additional check is had on the methods proposed and a consistent policy relating to stream pollution will be established throughout the state.

## PUBLIC PARKS FOR THE SMALL CITY

BY FREDERICK N. EVANS

*Instructor in Landscape Design, University of Illinois*

It is proper that parks should be called the "ornaments of the city". They hold a unique place in civic adornment. We must admit that our towns have been slow to grasp the big fact, which, with the rise of the new civic pride, they are gradually coming to appreciate on almost every hand—the fact that there is a definite relation between civil self-respect and beauty in a municipality. In other words, the loyalty of the citizens is found to be in direct proportion to the degree in which the city is made a good, a pleasant place to live. Thus, because proved by facts, it is not exaggeration to say that by self adornment, wisely not prodigally carried out, the city can do much to build up its own character—its morals as a community.

In the movement toward civic betterment, many of the channels by which the work of improvement is being carried on, are new; the work of the public playgrounds, for example is a movement not thought of twenty years ago—at least in America. On the other hand, the movement making for the creation of public parks, which today is one of the most important of all of the movements for civic improvement, is not a new movement. It stands out as the earliest product of civic art. Before the present wave of organized town and city improvement spread over the country the importance of the existence of the public park in cities, large and small, was understood and appreciated.

The worth of parks to the municipality of whatever size is a matter known and accepted as a fact without need for argument. The fact that towns and cities have long spent and are planning to spend as much of their spending money as they can possibly afford on public parks, would tend to show that the reason for the existence of public

lands for the city's recreation must be deep seated. What these reasons are I beg you to allow me to mention here in only a cursory way, yet with sufficient explicitness to bring these reasons clearly to our minds as we move on to the consideration of the questions of the needs of the park itself, and its wider relation to the municipality. The basic need, the necessity calling out for parks in large and small cities are different, each to each. In the large city we are most often engaged in transforming and restoring lands upon which the city has encroached. We are engaged in transforming these lands into reservations for public use; while in the small town our effort is not so much the act of restoration as of preservation—commanding the city to “keep off”, rather than to “get off” the grass, if we may put it in colloquial fashion; in other words the large city is concerning itself with the immediate necessity of providing places of recreation for a congested population; the small city is making provision against such a time as her needs may be those of the larger municipality.

The rapid growth of our American cities is not a myth,—a thing conjured up to lend savor to the statements of the city planner. It is a fact. This growth can easily be understood when it is stated that in 1800 there were in our country twelve municipalities which might be entitled to the term “city”. In 1900 there were five hundred and forty-five which might be included in this class.

In the maelstrom of the resulting congestion of population which many of our large cities have experienced there are resulting social and moral dangers which charities and philanthropies both wise and wasteful, have at times made efforts to ameliorate. The antidote which has done more than any other one thing to balance the destructive forces at work on the brain and nerve of the city-dweller, is the public park. The park is the best known panacea for the ills of city life. This consideration alone—the value of the park to the community would be meat enough for a complete lecture. At the present time parks in the city are to be considered no longer a luxury—show places, such as the old fashioned central squares, and city



block reservations used to be. They are to be considered needful adjuncts to the town, as necessary to the life of the municipality as its water system or as its sewer system.

There are numerous questions which the small city or city body must naturally consider in directing its attention to the subject of parks. Each town will naturally wish to gain what knowledge it can from other towns, in short to profit by their experience wherever possible. Each small city will do well to ask as many questions as it can, on all manner of subjects related to parks for the small city; such questions as the choice of site, questions on the subject of planning the park, ways of paying for the park, suggestions for park management, and so on. It is such questions as these that I invite you to consider with me in the present discussion.

To be thought well of by other cities and by the citizens of other cities, is the aim towards which present day municipalities are moving more than ever before. To be able by the creation of parks to induce the residents and capital as well to come and take up life within the town's boundaries is an object not entirely new, but one which, we can say, cities are deliberately and actively setting about to do to an extent unheard of a decade ago. Towns are finding, just as business is finding, that advertisement pays. Few will doubt that a town's attractiveness may count in a lively way for increase in population. The statement that the establishment of parks may attract capital directly is hard to believe on first hearing, but here is one instance. In looking for a small city in which to locate, the National Cash Register Company insisted that the town in which they should take up their abode must be supplied with a suitable number of public parks. Capital in this instance was rightly aware of the place which the public parks hold in supplying hard working employees with new physical and mental vigor.

Because the city is small, because the bounds of the municipality may not be far removed from the city's present center is not to be taken as any reason why that city should sit back and smugly say, "We have no need for

parks". The need may not be momentarily pressing as it is in our large cities, but if the town has a future, as the citizens of any town must feel, if they would be worthy of the name "citizen"—the necessity for looking about to the end, of establishing at least one public park, is plainly imperative.

As the haphazard growth of our New England towns and seashore communities gave way to the more deliberately plotted towns of our middle west, the wisdom of the public reservations in or near the heart of the city was generally felt by the engineer in charge. A central square, around which were grouped the town's municipal buildings, was almost always to be seen on the city plan. Sometimes whole blocks were set aside for public use in various parts of town. These were wise provisions; but as the town grew in size and population, these "central square" parks, or "city block" parks are gradually forced to give up what truly recreative quality they may at one time have possessed. These limited open spaces within the city become more monumental in character, less places in which to walk at leisure and sit in forgetfulness of the city's stir on all sides. Such smaller reservations are valuable in their way, but they do not meet fully the needs of recreation for the greater number of the inhabitants. The city park to answer more fully the needs for which it is created, must supply to the citizens the very opposite of that which the city has to offer. Whereas the city gives opportunity for business and social enjoyment, the city's park must offer escape from this constant brushing of elbows with mankind. In the city's park, we must be able to forget the city and all of its business cares and strivings so far as possible.

There is no town too small to keep this ideal in mind from the first day that town is founded. As the town grows, necessity grows with it. It is far cheaper to plan ahead, than in after years to endeavor to correct mistakes by reconstruction; for municipal reconstruction is expensive work. Many an opportunity for economical park embellishment is lost by lack of municipal foresight.

Of the methods by which parks for the small city can be secured, we may say that there are two, viz., by gift and by purchase. It is said on good authority that fully one-half of the public parks of this country are acquired as gifts to the community.

It is usually a fortunate thing for a small town to have land given it for park purposes. It is always a fortunate thing if the land so given is given from truly altruistic motives, and further is the municipality to be congratulated if the land is adaptable to the creation of a park, without too great expenditure of the city's money. There are times when it may be unwise for the city to accept land offered for park purposes. Thankless as it may sound, the motive of the donor should always be investigated.

Of course it is plainly evident that when the land is given to the town for park purposes the aim of the work of creating a public park is one of making the best of what is received without choice. When the park is secured by direct purchase, the city has the opportunity usually of choosing between several sites. The result in the latter is apt to be more successful than in the former case.

Concerning the choice of sites for park purposes, several principles may be laid down. It is well when such a thing is possible to choose a high point from which view can be obtained, for in this way added extent may be gained.

It is always well to keep in mind the fact that to fulfill the needs of the greatest number, accessibility from the town is important; that is, the park should be located so that the present or future population of the town may be able to reach it in any manner consistent with their strength and their pocketbooks. The park should be made in large part for the pleasure of the working classes, and not alone for the class which may occasionally visit it in a motor car.

The immense opportunity which lies before the small city in park establishment is nowhere more plainly evident than in the following point, that is in the opportunity to secure for the public that most pleasing of all park sites, the waterfront of the town, whether it be lake, ocean, or

river. Many a city has let the opportunity go by of reserving a portion of the land bordering on the water and has found, as in the case of Cleveland, that railroads and docks have laid a claim to the land which cannot be shaken off. Such waterfront reservations as are suggested here need not interfere with necessary shipping, for the area need not include by any means the entire waterfront, but only such a portion as is needed for suitable park purposes. The small city has at its stage of life in this respect an opportunity which the larger city has not.

A city, by keeping a watchful eye open, may secure for park land property not particularly useful for any other purpose. Such property has the advantage of being cheaply secured as a rule, and often has a picturesque character fitting well the needs of a naturalistic park. An example that comes to mind is that of Youngstown, Ohio. An old abandoned flour mill, situated at the head of a beautiful natural gorge, suggested to the minds of those on the outlook for securing park lands for that city, that this land might be obtained cheaply, and that it might be made into an attractive park. Land on each side of the deep Mill Creek Gorge was secured at moderate cost, and the whole was created into one of the most beautiful parks in the country.

Areas with a strong natural character of their own, areas with certain distinct characteristics offer usually the best park sites.

In considering the planning of the park for a small city, it may be said that this is hardly a time to enter into a detailed discussion of the technic of park planning, fascinating as the subject is. There are some points more general than technical, however, in which those concerned with the subjects of parks will be interested. The small city is usually at a disadvantage—an unnecessary disadvantage—when it comes to the actual planning of the town's park. Whereas the park of the large city is usually acknowledged to be an undertaking so important that none but the best advice will be taken, the park for the small

city is often regarded as something on which any man who knows an elm from an oak may give advice.

Local park boards too often forge ahead without any other aim apparently than to put in roads and paths hit or miss. They employ a local man for superintendent whose training in park work was secured in excavating cellars or as a grading contractor. His efforts are honest enough, as are those of the whole park board, but honest effort may be misdirected. Honest effort may not be artistic effort. Many a local park in our small cities give evidence of what is thus accomplished. Roads are given distinctly ugly curves, paths sprawl here and there, meaningless as though trying to wriggle out of sight, as well they might do to advantage. The planting, instead of forming beautiful banks of flowering green, is here and there dotted all over the place, contradicting by its placing the very breadth of effect which might so easily be had.

In working out a sanitary system for a small city, we would not think of employing untrained men. In establishing a municipal lighting plant we would not think of going by the advice of the man whose knowledge of electricity was limited to an ability to read electric meters. Why should we act on incompetent advice in planning a city's parks? If the city has on its park board, a man who has been trained in the principles of park work, that city is fortunate, and should make use of his services. If there is no such man it would be actual economy in the end for the city to employ outside talent, to secure the advice of a man trained to meet the exigencies of park planning. Park boards have been slow to recognize this fact, but the expense of reconstruction everywhere as the result of haphazard work, is gradually being appreciated by our small cities.

First of all, and most important of all in park planning, there should be a prearranged plan, and the plan should, in the main, be followed in succeeding years by succeeding park boards.

The fear of being overcharged for services rendered by the expert from out of town is the chief bug-bear which arises out of the haze of park development to terrify many a

local park board in its well intended progress. The board has also, oftentimes, a feeling that if expert advice is secured a too elaborate development of the park land in question will be foisted upon the community. These fears may be, in part at least ameliorated by saying that the man of reputation whose business it is to advise on park work is not apt to be inclined to charge a larger fee than his time warrants. It may be laid down as a fact that the more skillful the professional designer is, the less elaborate construction will his plan call for. The best design in park work is one which makes for the simple, broad, restful effects, of sweeping lawn and well massed planting—not for a nervous, over-elaborate hodgepodge of casinos, stairways, and an extensive array of flashy bedding plants.

To dwell further upon theories of park design is scarcely necessary, suffice it to say that in all park work the principles of utility and quiet beauty should be our guide. The utmost economy compatible with the effect desired should be constantly kept in mind in the arrangement of all features such as roads, paths, planting, and facilities for recreation.

A word about planting arrangements in general must be said. Let it be our aim, as before stated, to get the utmost breadth of effect possible. Every small town wants its park to appear to make the most of itself. It is surprising what an influence properly arranged planting will have in this direction. We all know how the apparent breadth of a building lot may be lessened by planting single trees or single shrubs promiscuously about in it. Conversely, if the center of the lot is kept open, the trees arranged in groups toward the sides, and the shrubbery planted in a running line toward the edges of the lot concealing the boundaries, the lot will appear much larger than it really is. The same principle holds true of park planting. In a few words then,—whatever planting is done should be done, as already said, with a view to concealing the boundaries, giving large open expanses of lawn or meadow, giving breadth of effect; and similarly the trees had best be so situated as to bound wide area units within the park. We

should endeavor to make the best of every inch of space at hand.

Paying for the park by the small city is a most important subject. We are all free to grant that the cost of parks to the city is relative rather than absolute. The large park in the larger city may cost the public less individually than the smaller park will cost the inhabitants of the small city. The point upon which to make sure is that the public will be the undoubted benefitters—not the contractor and the employees alone. Methods of raising funds for park improvement are already so well understood as to seem a pardonable omission at this time.

Park boards, to do the most efficient work and to be in all ways most successful, should have changes made in their personnel made gradually, rather than to have a total change of members made at each local election. Long term appointments with gradual changes from year to year in its membership renders the board a much more efficient machine than when the Park Superintendent and Park board members are changed every year or two. Many city parks suffer in this respect. The new officers, not being content with new policies, often even set deliberately about undoing the work of the former board. Reasonable constancy in personnel, and strict economy should be the slogan of any park board.

And here the wisdom of having a well formed, carefully prepared plan of action is seen. This is an age of system. The business house, the kitchen, the park for the town, large or small, are all found to run better and more efficiently if run according to some plan—a plan previously studied by an expert, carefully adopted and then carefully followed with heart and soul. Such a plan as may be prepared for park development for the small city need not be carried out all at once. Parts may be completed from time to time as the finances of the small city seem to warrant. The small town may feel confident that at the end of the work of park building by following such a plan, the result will be sure to have an individuality and a beauty of harmony which can be obtained in no other way.

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PROCEEDINGS

OF THE

SECOND ANNUAL CONVENTION

OF THE

ILLINOIS MUNICIPAL LEAGUE

HELD AT THE

UNIVERSITY OF ILLINOIS

Urbana-Champaign

November 2, 3, 1915



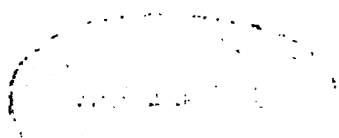
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University of California Library

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# MINUTES OF THE SECOND ANNUAL CONVENTION OF THE ILLINOIS MUNICIPAL LEAGUE

Held at the University of Illinois, Urbana-Champaign,  
Illinois, November 2 and 3, 1915.

## FIRST SESSION

The Second Annual Convention of the Illinois Municipal League was called to order in the Physics Lecture Room of the University of Illinois on Monday, November 2, shortly after 2 P. M.

In the absence of President Edmund J. James from the city, David Kinley, Vice President of the University, welcomed the delegates to the University.

Mayor W. W. Bennett of Rockford, President of the League, responded, and addressed the convention on the possible development of the work of the League.

An address on Modern Street Lighting and its Relation to Auto Headlights was given by Morgan Brooks, Professor of Electrical Engineering. This was illustrated by examples of lighting apparatus and also by stereopticon views.

Mr. R. E. Heilman, Assistant Professor of Economics, addressed the convention on The City and Local Utilities, discussing some of the problems connected with the operation of the state public utilities commission in Illinois.

Mr. R. E. Hieronymous, Community Adviser of the University of Illinois, addressed the convention on the interest of business men in public affairs.

The convention then adjourned to visit the Municipal Reference Library and the Engineering Department of the University.

## SECOND SESSION

On Tuesday evening the delegates to the Illinois Municipal League gathered at an informal smoker at the Hotel Beardsley, Champaign, given by the Champaign Chamber of Commerce. During the evening a number of municipal problems were informally discussed by the delegates. Among those who took part in this discussion were Mayor W. W. Bennett of Rockford, Mayor W. C. Barber of Joliet, Mayor Charles T. Baumann of Springfield, Commissioner W. J. Spaulding of Springfield, Mayor E. E. Jones of Bloomington, Mayor B. W. Alpiner of Kankakee, Mayor E. S. Swigart of Champaign, Alderman William F. Burns of Evanston, Mayor W. H. Hoff of Paris, Dr. H. B. Hemenway of Evanston, Professor John A. Fairlie, Commissioners J. F. Anderson and A. G. Erickson of Bloomington, Mayor O. L. Browder of Urbana, and Mr. Murphy, Secretary of the Champaign Chamber of Commerce.

The subjects discussed included the regulation of jitneys, parking of automobiles, traffic regulations, building ordinances, garbage disposal, censorship of moving pictures, and payment for paving street intersections.

President Bennett announced the following committees:

*Committee on Resolutions*

Mayor H. H. Stahl of Freeport, Chairman,  
Mayor O. L. Browder of Urbana,  
Alderman W. F. Burns of Evanston,  
Mayor P. N. Joslin of DeKalb,  
Mayor J. L. Conger of Galesburg

*Committee on Nominations*

Mayor E. E. Jones of Bloomington  
Mayor R. P. Porter of Carbondale  
Mayor C. T. Baumann of Springfield  
Mayor B. W. Alpiner of Kankakee  
Mayor W. C. Barber of Joliet

## THIRD SESSION

Wednesday, November 3, 10 o'clock A. M., in Morrow Hall, President W. W. Bennett in the chair. The following addresses were presented:

The Public Library and the City Government, by P. L. Windsor, Librarian of the University of Illinois.

The Health Department of Small Municipalities, by Dr. H. B. Hemenway of Evanston.

The Homeless Man, by Charles F. Rogers of the Chicago Department of Public Welfare.

On the roll call of cities informal questions and statements were made by the following: Mayor E. E. Jones of Bloomington, Mayor R. P. Porter of Carbondale, Paul Hansen of the State Water Survey, Mayor Leon Chevillon of Carthage, Edward Main, City Engineer of Rockford, Mayor P. N. Joslin of DeKalb, Commissioner W. J. Spaulding of Springfield, Mayor B. W. Alpiner of Kankakee, Mayor E. F. Bradford of Ottawa, C. D. O'Callahan, City Engineer of Joliet, Mayor Frederick Durr of Greenville, and Alderman W. F. Burns of Evanston.

The topics discussed included the following: sewage disposal, oiling streets, payment for paving street intersections, methods of paying for extension of water mains, the need for increased revenues, and uniform traffic regulations.

## FOURTH SESSION

Wednesday, November 3, 2 P. M., in the Engineering Lecture Room.

The following papers and addresses were delivered:

Some Aspects of the Engineering Department of Small Cities, by A. N. Talbot, Professor of Municipal and Sanitary Engineering.

The City Streets, by J. E. Smith, Assistant Professor of Civil Engineering.



**City Planning and the Courts**, by R. E. Cushman, Instructor in Political Science.

**Accounting Needs of the Average City**, by William G. Adkins of Chicago.

Mr. Adkins' paper was followed by some informal discussion as to special assessments by City Clerk James F. King of Lake Forest, Mayor E. S. Swigart of Champaign and City Attorney A. D. Stevens of Springfield.

The Committee on Nominations submitted the following nominations for officers of the League for the ensuing year:

President, Mayor William C. Barber of Joliet.  
Vice President, Mayor H. H. Stahl of Freeport.  
Secretary-Treasurer, John A. Fairlie of Urbana.  
Statistician, William G. Adkins of Chicago.

Members of the executive committee, Mayor J. E. Merritt of Hoopeston, Mayor O. L. Browder of Urbana, Mayor Walter Wood of Cairo.

On motion the secretary was directed to cast a ballot for the persons named in the committee's report, and they were duly elected.

The Committee on Resolutions presented the following report:

Your Committee on Resolutions submits the following resolutions for consideration by the Illinois Municipal League:

**Resolved:** That the Illinois Municipal League reaffirm its endorsement of the Municipal Reference Library at the University of Illinois, and urge the Trustees of the University and the General Assembly to provide for the adequate support of this bureau as a central clearing house of information for the cities and villages of the state.

**Resolved:** That the Executive Committee of the League be requested to confer with municipal officials throughout the state and to formulate for the next convention a program of proposed legislation to be presented before the next session of the general assembly—including measures to provide for an increase of the taxing power of municipalities, for state aid in the construction and maintenance of through traffic routes in cities and villages and for a uniform state system of traffic regulations.

**Resolved:** That the Illinois Municipal League extends its sincere thanks to the University of Illinois, the officials of Champaign and Urbana, and the Champaign Chamber of Commerce for their welcome and for the program and courtesies furnished at this meeting.

On motion the resolutions were unanimously adopted.

Resuming the roll call of cities, further responses were made by Mayor E. F. Bradford of Ottawa, Mayor F. E. Bell of Mattoon, Mayor W. H. Hoff of Paris, and Mayor O. L. Browder of Urbana. The topics discussed were health officers, the construction of conduits by special assessments, and the operation of nitrogen-filled street lamps in Urbana.

The new president of the League, Mayor W. C. Barber of Joliet was called to the chair, and after a few remarks by him the Convention adjourned.

## LIST OF DELEGATES, ETC.

### *Arcola:*

E. S. Allen, Mayor  
Frank F. Collins, Editor  
Charles Finfgeld, Alderman  
R. E. Gere, Alderman

### *Bloomington:*

E. E. Jones, Mayor  
J. F. Anderson, Commissioner  
H. G. Erickson, Commissioner

### *Carbondale:*

E. K. Porter, Mayor

### *Carthage:*

Leon Chevillon, Mayor

### *Champaign:*

E. S. Swigart, Mayor  
B. W. Benedict, Alderman  
Fred Dallenbach, Alderman  
A. J. Flatt, Alderman  
H. P. Harris, Alderman  
A. C. Singbush, Alderman  
W. F. Stoltey, Alderman  
H. A. Wilkins, Alderman  
C. M. Pearson, Chamber of Commerce  
C. W. Murphy, Chamber of Commerce

### *Chicago:*

William G. Adkins  
Charles F. Rogers

### *Clinton:*

Frank Rundle, Mayor  
Charles W. Carter  
H. B. Lundh  
John H. McKinnon

*DeKalb :*

P. N. Joslin, Mayor

*Evanston :*

William F. Burns, Alderman  
Henry B. Hemenway

*Freeport :*

H. H. Stahl, Mayor  
E. A. Hoefer, Alderman

*Galesburg :*

J. L. Conger, Mayor

*Greenville :*

Frederick Durr, Mayor

*Hoopeston :*

J. E. Merritt, Mayor

*Joliet :*

William C. Barber, Mayor  
C. D. O'Callahan, City Engineer

*Kankakee :*

B. W. Alpiner, Mayor  
Arnie Baker, Alderman  
Herman Beecher, Alderman  
J. C. Duncan, Alderman  
B. J. Mathews, Alderman  
Henry Reuter, Alderman  
William Rochebe  
Louis Supernant, Alderman  
George Wulff, Alderman  
Karl W. Rieke, City Collector  
Fred C. Klaiss, Building Inspector  
Fred L. Shultz, Electrical Inspector

*Lake Forest :*

James F. King, City Clerk

*Mattoon:*

F. E. Bell, M.D.

*Mendota:*

R. C. Madden, Mayor  
R. W. Witte, Alderman

*Mowequa:*

R. F. Gregory

*O'Fallon:*

C. E. Tiedemann, Mayor

*Olney:*

H. Godeke, Mayor

*Ottawa:*

E. F. Bradford, Mayor  
Angus M. Helffrich, Commissioner

*Paris:*

W. H. Hoff, Mayor

*Rockford:*

W. W. Bennett, Mayor  
E. Main, City Engineer  
A. Swenson, Alderman  
E. A. Wettergren, City Clerk.

*Springfield:*

Chas. T. Baumann, Mayor  
W. J. Spaulding, Commissioner of Public  
Works  
A. D. Stevens, City Attorney

*Urbana:*

O. L. Browder, Mayor  
John B. Bennett, Alderman  
John A. Fairlie, Alderman  
R. D. Fulk, Alderman  
J. E. Smith, Alderman

**Morgan Brooks**  
**Jas. W. Garner**  
**Edward Bartow**  
**R. E. Cushman**  
**P. H. Hansen**  
**H. A. Harding**  
**R. E. Hieronymous**  
**R. E. Heilman**  
**David Kinley**  
**R. M. Story**  
**A. N. Talbot**  
**P. L. Windsor**

## SECOND ANNUAL ADDRESS

W. W. BENNETT, MAYOR OF ROCKFORD, ILLINOIS

*President of the Illinois Municipal League*

I believe that we have only touched the outer edge of the possibilities that meetings of this kind hold here at the University of Illinois. If we could only gain the cooperation of the cities in the state; if they would only make provision every year to send representatives of their cities and contribute the small cost that is charged for those who belong to the Illinois Municipal League, great good, I am sure could be obtained for each and every one who is associated with this organization. Business men and professional men seek to keep themselves posted on the latest developments by attending regular conventions held for their benefit. All the reasons that exist for the individual or private corporation to meet with those interested in the same things in which they are interested obtain also for cities. It almost has its pathetically humorous side, if I were not so well acquainted with just how these things stand, to receive letters from officials throughout the state, advising me that they will be unable to send representatives to this meeting because there is no provision in their budget for the expense item. I am of the opinion that a sentiment should be awakened in every community that will warrant the provision in our annual budget for a reasonable expense item to cover conventions of this sort. The days of the so-called junkets, with the exaggerated ideas of good fellowship that existed at that time are rapidly disappearing. Men seem to be more ambitious to be efficient. There are hardly any cities in the state of Illinois of relatively the same size but have had their problems in common with every other city. This

university existing here because the taxpayers of the state of Illinois make it possible, ought to be a grand clearing house for municipal ideas and problems. The directing force that exists here in its faculty and in its several departments of municipal work, if we but interested ourselves in it, should be made of great profit.

Each year brings its new problems. It hardly seems a year since we were here; but one instance of a new problem today, which none of us even dreamed of a year ago, is the necessity for the control of what is termed the jitney bus in our cities—even cities of as small a population as 2,000. What are the rights of the jitney bus driver in a city, and what are the rights of the traveling public, and what are the rights of an already existing street car line, which though private in its nature is known as a public corporation and which is termed by some as a natural monopoly. Our city at the present time is wrestling with a jitney ordinance. We are anxious to learn what is the best thing to do for all parties concerned. We are also laboring with a building code. All the larger cities in the state of Illinois, if they have not already done so, are soon going to grapple with this problem. It is a big question. Here we ought to be able to learn what things have been beneficial and what things ought to be eliminated in an ordinance of this kind, or, should it be that the several cities of the state should not attempt building ordinances of their own, but that the cities make themselves heard through their representatives and that there shall be enacted a statute law that will be applicable to all cities in the state of Illinois? This brings up the thought that this organization, in order to be of the greatest service to those who are members of the organization, should have in its employ a salaried secretary, one who can give the necessary time to the organization, who would have at hand readily accessible, a municipal reference library, and who during the sessions of the legislature could



be in attendance upon committee meetings, presenting the needs of the municipalities of this state or defending those rights that now already are theirs.

An instance of advance information that we received a year ago is well evidenced in one of the Chicago Sunday papers that made much of an article on microbes in handling city sewage, hailing the day when this method would apply in the city of Chicago toward handling that city's great sewage problem. We who were here a year ago will well remember the address of Professor Edward Bartow of this institution, when he told us of his hurried return from Germany upon the outbreak of war, where he was studying the sludge system of sewage handling in German cities. The article referred to in the Sunday paper calls Professor Bartow the greatest expert in this country in matters of this kind. We, who have these problems confronting us, and nearly every city in the state of Illinois has such a problem as the handling of its sewage, have already been posted as to the possibilities of these German sludge beds. It will not be long that the state government or perhaps the national government will tolerate with any patience this constant contamination of our great, beautiful streams of water with the refuse matter of our cities. It is to the shame and disgrace of the rush civilization in which we are living. We drill thousands of feet into the ground, with all its engineering difficulties and cost for our drinking water, when through many of our cities flows daily millions and millions of gallons of water contaminated through the selfishness and thoughtlessness of our citizens, permitted to do so because it has long been the practice and no one has found time in which to stay the hand of the spoiler.

He is the best servant of a municipality who makes the most of the things as he finds them, who, when questioned by a citizen, does not excuse conditions as they are by saying: "We haven't a law that will permit that, or the law

that exists keeps us from doing the things that you would like to have done," but, who, taking conditions as they are and the law as he finds it, gives vigorous, intelligent service. We are learning, and it is well exemplified in the policeman who walks his beat, that it is the things that we believe, the sentiment that we create in our communities, the principles that we expound, the lives that we live, that make for advancement. It has been found that it is not all the necessary qualifications in a policeman that he should stand six feet or more in height and that his massive bulk makes him a commanding figure and inspires awe in the community where he walks his beat; but we are learning that the policeman, who, in addition to his physical qualifications carries the principles of right living with him in his work, who is not given to petty violations or even great violations himself, builds up in the district that he serves a respect for the law. A policeman who is personally clean, who observes the moral law as well as the statute law, is not apt to have on his beat even the suggestion of a red light district. The same can be said of a policeman who believes personally in the principles of temperance. The life that he lives helps to gain respect for the law in the community that he serves, and actuated by the principles in which he believes, he is not so apt to have violations of the local option law on the beat that he travels as one who does not believe in the enforcement of the law as a matter of principle.

# MODERN STREET LIGHTING AND ITS RELATION TO AUTO HEADLIGHTS

MORGAN BROOKS

*Professor of Electrical Engineering, University of Illinois*

The rapid development of electric lamps arc and incandescent has greatly changed the methods employed for lighting our thoroughfares. Oil and gas lamps have also been greatly improved, but the convenience and ease of control of electric lamps have caused them to supplant other illuminants almost completely. Formerly it was considered quite sufficient if small lamps were placed at intervals along a street, indicating its direction and the intersections of cross streets. This is now known as the "marker system", and is considered inadequate for present requirements of dense high-speed traffic. Today powerful lamps at frequent intervals are used to throw adequate light upon roadways, making every obstruction conspicuous, and conducing to safety. If the road ahead of a fast-moving vehicle is not illuminated sufficiently it is necessary for the vehicle to carry its own lights, not merely for indicating its presence, the object of the small side lamps of the past, but to throw sufficient light ahead to disclose the condition of the road. The perfection of projecting mirrors has caused the efficient headlights of today to become very objectionable to anyone facing them, on account of their glare. If headlights be frosted to reduce this glare their effectiveness is also reduced, since they no longer throw a strong beam ahead. Such beams serve not only to light the way, but also to warn anyone approaching by a cross street, thereby making the danger of collision at intersections actually less by night than by day.

Ideal illumination is obtained when the sources of light are invisible or at least inconspicuous. Detroit and other cities some years ago made an attempt of this character by placing powerful arc lamps at the top of very tall masts at intervals throughout the city's area. Owing to the shadows from foliage and to the loss of light upon the roofs of buildings this scheme has been almost completely abandoned in favor of light units below the spreading branches of trees. Hence almost without exception street lamps are in range of vision and the glare of a naked lamp should be avoided. Diffusing globes should be used to prevent the light from direct vision. The percentage of light absorbed by such globes is usually from ten to twenty, and the absorption is not materially less for fairly dense globes, such as give a uniform glow suffusing the entire surface, than it is for such as allow the lamp itself to be seen. It is the best practice to use as large a diffusing globe as possible for street lighting, eliminating glare. If two one-hundred candle lamps are placed within an 8-inch and a 16-inch globe of equal density, the 8-inch unit will appear four times as bright, and the counterbalancing fact that the 16-inch globe exposes four times the surface is often overlooked. The two give the same light, contrary to the contrary impression that the brighter globe is a more powerful illuminant.

Any dense globe diffuses the light equally in every direction, and as light thrown upward is wasted in street lighting, directing shades have been designed and are now being introduced. Such a shade is the "Holophane Novalux" recently placed on the market. Clear glass is pressed into optically perfect form with horizontal and vertical ribs for directing light much as the lenses of lighthouses direct the power of coast lights. In the Novalux two such shades are clamped together, the inner and outer surfaces of the combination being perfectly smooth, permitting easy cleaning, while the optical ribs lie between and are kept free

from dust. The glass is mounted with a nearly horizontal reflector to redirect any light that may stray upward. This shade being moulded of clear glass while less glaring than a direct light, is decidedly more harsh than the dense globes previously mentioned. They should therefore be hung high above the direct view point looking along the street.

Street lights should be used at intervals of from 70 to 125 feet to obtain fairly uniform distribution along the surface of the street. The power of each lamp is relatively unimportant within wide limits, but when lamps are spaced a block or more apart there is necessarily such a great difference in the illumination at the lamps and half way between as to prevent satisfactory seeing. When incandescent lamps of from 60 to 200 candle power, at more frequent intervals, are substituted for arc lamps, a great improvement is obtained and at little or no increase in current required. Indeed, with the improved series incandescent lamp there is no question of its superiority over arc lamps for street illumination not only in quality of illumination, but in care as well.

An exception to the possibility of using small powered lamps for street lighting should be noted where advertising signs are much in use. Cities may well limit the use of advertising lamps in such a way as to supplement rather than obscure street lighting. If advertising sign permits are required the city might so regulate flashing and hours of burning as to utilize signs for street illumination. This could be done without demanding a uniformity which would impair their advertising value.

Objects on streets are seen in several quite different ways. First, by light reflected from the object's surface, ferent color or reflecting power. Third, by cutting off lights this method. Second, by contrast with a background of different color or reflecting power. Third, by cutting off lights

beyond. In this way the presence of a vehicle may be noted because it cuts off one of the headlights of a more distant automobile, although, because of the glare the vehicle may be actually invisible. The second, or silhouette method of vision, is fairly satisfactory, when there is no intervening lamp to interfere. In curving roads, therefore, the lamps should be placed on the outer side of the curve, as otherwise they will surely cut off the more distant view around the curve. For a similar reason a lamp should not be so placed near an intersection as to cut off a view around the corner that might be available without it.

Illumination rather than mere marker lamps are the order of the day. The location of every lamp should be given attention in its relation to its surroundings. Equal spacing of lamps is objectionable if it causes a lamp to be improperly placed. Unequal spacing with an object, as in calling attention to a notable public building is more than justified. Indeed, we fail often to emphasize our public buildings by not taking them into consideration in street lighting systems. Furthermore, lamps craftily placed may sometimes be utilized to obscure some architecturally objectionable feature, since a lamp acts as a screen to what lies beyond. The single lamp unit post is in best form today. The three and the five-light standards are not only more expensive but less attractive than the single lamp. Future street lighting may perhaps utilize the cornices of buildings as points from which light may be economically thrown down upon the street below, removing lamp posts from the street. Such lighting is so unobtrusive as to lack somewhat in some people's minds in advertising effect of having a good lighting system. For streets without trees, however, it has many advantages.

Adequate street illumination is not only a safe-guard but a duty of high importance with swiftly moving automobiles. In the absence of good street lighting, autos should

be permitted to carry their own headlights, even if glaring. Possibly some better compromise in the devising of automobile headlights without glare will be discovered. In the meantime safety demands good lighting, and the abolition of the antiquated moonlight schedule. Modern city traffic demands street illumination all and every night.

## THE MUNICIPALITY AND ITS LOCAL UTILITIES

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Of large importance to the municipalities of Illinois is the question as to what effect the passage of the public utilities commission law and the establishment of the Illinois Public Utilities Commission has upon the franchises previously granted by the municipalities, but which have not yet expired. In other words, do such franchises with all their terms and conditions continue in force until the date fixed for their termination, or are they invalidated and their provisions set aside by the act of the state conferring the power of control upon the new commission?

I understand that it was the intention of the framers of the law that the outstanding franchises should not be unfavorably affected. But the Commission apparently does not take this position. The attitude of the Commission seems to be that the legislature has delegated to it the duty of seeing to it that rates are reasonable and that service is adequate and that in the discharge of this duty the Commission is under no obligations to observe the provisions of outstanding franchises. This attitude has been clearly indicated in its decisions regarding public utility properties in Colfax, Fairbury, and Monmouth, and more recently by the Commission's order to the Chicago street railway companies, in which the companies were ordered to operate trailer cars, which is specifically forbidden under the municipal franchise of the companies.

What is the attitude of the law, the courts, and of other commissions upon this general problem? Apparently, when



a municipality has been specifically granted the right to enter into agreements with its utility corporations as to rates and conditions of service, that is, to grant contractual franchises, such franchises will stand as contracts, until their termination. This principle was established by the United States Supreme Court in the Detroit Street Railway case, 184 U. S., p 368. The legislature had given to the city of Detroit the right to enter into agreements with its street railway companies as to the terms and conditions upon which they would serve the public. Such agreements were entered into. Later the city endeavored to alter the terms of the franchise. This the Court held the city could not do. The Court said:

"But there can be no question in this Court as to the competency of a state legislature,.....to authorize a municipal corporation to contract with a street railway company as to rates of fare, and so to find during the specified period any future common council from altering or in any way interfering with such contract.....The contract having once been made, the power of the city over the subject so far as altering the rates of fare or other matters properly involved in and being a part of the contract, is suspended for the period of the running of the contract."

Since the city grants franchises simply in its capacity as an agent of the State, it would seem to follow that the principal, the State, can not alter or repeal contractual franchises, and that the establishment of a state commission does not affect any such franchises which have not yet expired.

But in most states, the power to grant contractual franchises has never been conferred upon the cities, the only power being given them being the power to "regulate" the streets or the utilities. For example, in Illinois, the cities were early given the right to regulate the streets and the uses thereof, and largely under this power the cities have granted the franchises to their utilities. But the courts

seem to make a distinction between the right to contract and the right to regulate. The weight of authority is to the effect that unless a city has specifically been given the right to grant contractual franchises that it may not do so. This principle also was clearly established by the United States Supreme Court in the Detroit street railway case, above referred to. The Court said:

"It may be conceded that clear authority from the legislature is needed to enable the city to make a contract or agreement like the one in question, including rates of fare."

The right to "regulate" appears to be regarded by the courts as one aspect of the police power, and as a right which can not be surrendered by the making of a contractual franchise. As yet there is no authoritative judicial determination of the issues involved, but it has been held that the right to regulate is a right of which the city can not deprive itself by entering into an agreement as to the terms and conditions of service which shall hold for a specified period. (*Brummit vs. Ogden Waterworks Co.*, 33 Utah 289; 93 Pac. 828.) Under this interpretation the city's right to regulate is something which must be retained and exercised by the city, from time to time, as may be needful in order to properly protect the public.

As yet there is much uncertain ground regarding this whole problem. But if this question comes to an issue in Illinois (and apparently it will, for the city of Chicago has already started litigation looking towards that end), and if this position should be taken by the courts, then the problem of public utility valuation will prove to be of vital importance to Illinois cities. For the well established principle is that utilities are entitled to a reasonable return upon the fair value of their property, and the commissions have based their rates largely upon the valuations of utility property. As a matter of fact, the problem of utility valuation is of great importance to the cities of the State regardless of

what may prove to be the attitude of the courts concerning the force of outstanding franchises, because of the increasing importance being attached to valuation as a proper basis for rate making.

It is of the utmost importance that the representatives of the municipalities should study carefully the valuation movement, and that they should insist upon the development of sound principles of valuation by the state commissions. For the efficiency of commission control depends not only upon establishing the proper administrative machinery for regulation, but also upon the development of sound economic principles, particularly principles of valuation and rate making, by the commissions. In the limited time available of course it will be impossible for me to discuss thoroughly the subject of utility valuation. But I do wish to refer briefly to three claims for so called "elements of value" which have recently been advanced before the commissions, each one of which has secured the sanction of some court or commission, and each one of which seems to me to be unsound.

First, I wish to direct your attention to the claim for pavement valuations. It has frequently been asserted before the commissions in recent years that since a utility is entitled to a return upon the present value of its property, that in appraising mains, pipes, and conduits, the valuation should be established upon a basis of what it would cost to cut through the pavements and relay pavements over the sub-surface equipment today, even though no such pavements were in existence when the equipment was placed in the streets. This claim was first advanced in the well-known Consolidated Gas case, but in its decision the United States Supreme Court did not commit itself upon the issue and never has done so since. It is apparent that if this claim is admitted the valuation of the properties would, in many cases, be greatly enhanced. Practically all the state

commissions have rejected this claim for value in rate-making cases, but the New York Supreme Court recently held that the New York First District Commission was in error in so holding. The Wisconsin Commission, while it refuses to recognize pavement valuations in rate-making cases, does so when evaluating utility properties for municipal purchase. The Illinois Commission, in its recent decision in the Lake Forest water case, indicated that it did not regard this claim with favor. I understand that this claim has also been advanced in the Springfield Gas case which is yet pending before the Illinois Commission. It is to be hoped that in its decision on this case, the Illinois Commission will definitively reject this claim. Certainly pavements should not be included beyond the actual cost incurred by the utility on account of them. Penalizing citizens by compelling them to pay a higher rate for their utility service, because they have decided to tax themselves to lay pavements in their own streets, would be the present value theory reduced to an absurdity.

It was until recently thought to be an established principle that in valuation for rate-making, franchises should not be included because of the obvious injustice of compelling the public to pay more for its utility service simply because it has conferred upon a company the right to use the streets in rendering the service. But there are two important recent decisions in which this claim for value has been recognized. The New Jersey Supreme Court has recently held in a rate-making case that the franchise should be included since it is property of which the company could not be deprived by condemnation without payment being made. The Maryland Commission recently held that a franchise must be included in valuation for rate-making upon the grounds that the franchise was taxed by the State, as property. The fallacy in both these positions is evident. The propriety of including a franchise in the valuation depends

entirely upon the purpose of the valuation. For condemnation or taxing purposes there are circumstances under which franchises should be valued. But there are no circumstances whatever under which franchises should be valued for rate-making. In condemnation proceedings it may be proper to value the franchises, since under such procedure a utility is deprived not only of its physical plant, but also of the right to operate it. It is deprived of the right to expect a permanency of return and it must look elsewhere for investment. But it certainly does not follow that the franchise should be valued so long as the company continues to own the property, to retain the opportunity, and to secure its reasonable rate of return. Likewise there are circumstances under which a franchise may be properly valued for taxation purposes. When franchise values are estimated for taxing purposes, they must be estimated on the basis of earnings. But it is apparent that franchises cannot be valued for rate purposes since the earnings must depend upon the rates permitted. In other words, the effort to include franchise values in rate-making involves us in a vicious circle; the value of the franchise must depend upon the earnings, whereas the earnings must depend upon the value of the property including the franchise value.

It is frequently claimed that early losses, deficits, and developmental expenses should be included in the valuation which is to serve as the basis of rates, upon the ground that these represent a part of the investment necessary to produce the plant and its business. The Wisconsin, New York, and several other commissions allow such claims, but only insofar as there have been actual losses, deficits, or a lack of proper returns, incurred in order to establish the business and develop the patronage. This position is certainly sound, for unless we expect to permit utilities to reimburse themselves in some way for the early losses which frequently must be incurred in order to establish patronage, injustice

will be done. But the New Jersey Commission goes much further. It takes the position that all expenditures made in order to develop patronage should be included in the valuation, whether or not such expenditures have ever produced a loss or deficit. Its position is that the cost of developing represents a part of the investment and that it should be added to plant valuation, even though such expenditures never produced a deficit or a lack of proper returns, in fact, quite regardless of what past earnings may have been. This rule calls for a most severe condemnation. It represents the capitalization, not of losses, but of expenditures. If anything in addition to the plant value is to be allowed for this purpose, certainly it must be not the gross cost but rather the net loss, that is, the deficits or losses actually incurred while the business was being developed. For it is only such amounts which represent the investment, the financial sacrifice made by the owners in order to develop the patronage. The Illinois Commission apparently has not as yet committed itself upon this problem.

In conclusion, simply permit me to state that it seems to me to be of the utmost importance that the representatives of the cities in every state in which commission control has been established should study carefully the principles of control which are being developed and applied by the commission of their state; that they should insist upon the development of principles which are economically sound; that they should be willing to acknowledge every rightful claim for values, in order that the utilities be not deprived of proper returns, and in order that private capital may continue to be forthcoming for these industries. On the other hand, the city should be in a position to meet the unsound claims often advanced by the utilities in valuation cases in order that the consumers be not burdened with the charge producing a return upon inflated valuations.

## THE PUBLIC LIBRARY AND THE CITY GOVERNMENT

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Public libraries have for many years been chiefly the abode of books of pure literature and of history, travel, biography, philosophy and the more theoretical treatises on many subjects. As a natural consequence, the users of libraries have been confined largely to people interested in such books. But now-a-days, here in America, the public libraries have also on their shelves the literature of everyday work and business: for example, books and periodicals on advertising, banking, sanitation, gas engines, and street paving. Not only are such books purchased by the library, but a strong movement exists among librarians to buy more and more of such practical books and to see that they are used. No books on the shelves yield better returns to the community, for every good new idea, every suggested improvement which the business man or the professional man finds and adapts to his own work means better business and greater success for him.

Included in this literature of work, lies a considerable number of recent books, pamphlets, and magazines which relate rather directly to the every day problems of the various officials and departments of the city government. Every year 10 to 20 such books are specifically recommended for purchase by public libraries in even small cities of, say, 5000 population; while several times that number should be purchased by libraries in cities of over 10,000.

In addition to these books, which must, if they be secured, be purchased, there are numerous pamphlets, reports and bulletins relating to city government which can be obtained for the asking. Every librarian has laid before him selected titles of this more or less ephemeral, but often exceedingly useful class of publications, with suggestions as to the most effective way to secure them. Usually unbound, this material may hardly be worth cataloging as elaborately as bound books are cataloged; but libraries do not have to catalog it. It can be used uncataloged, or partially cataloged.

Now, if your public library does this collecting of printed material bearing on your official work and its relations to the community, you and your people will have available in a few years an aid to your work which is really worth while and one which has been secured at very small cost.

Few of our Illinois cities are large enough to warrant the expense of establishing and maintaining a municipal reference library or even a well organized municipal reference department in the public library. Only the larger cities of the country can afford such equipment and service. But by using the ordinary facilities of a public library, slightly augmented or developed, the officials of any city can secure many benefits that come from a municipal reference library.

The public library is responsive to public demands. If you who are officials begin to call for some of this service you will soon get what you want. Furthermore, the librarian will learn your needs and often anticipate your wants. The rule for the loan of books will be modified for city officials as they now are for school teachers and other special groups. Moreover, when you need material not in your library, it will be obtained for you through the system of inter-library loans. If you make this use of the library, the Board, in securing members of the staff, will before long



seek for librarians and assistants people who by education and training are fitted to look after your needs—just as now they consider the librarian's special fitness for meeting other needs.

The public library is primarily an agency of popular education, giving an opportunity to the people after their school days to continue their education, using the word education in its broadest sense. But it is a many-sided agency; it does a special work for many different classes of people and meets many different special needs. What more natural thing could it possibly do than to develop a service especially fitted to meet the needs of the public officials of its own city?

## HEALTH DEPARTMENTS IN SMALL MUNICIPALITIES

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*Evanston, Ill.*

### HEALTH THE BASIS OF COMMERCIAL PROSPERITY.

The health of a community is the basis for its economic and commercial prosperity. If the people are sickly they are less able to work, while their expense of life must be greater. The Panama Canal could not have been dug without the services of an efficient sanitary supervision in the hands of expert sanitarians. In addition, it is estimated that these services saved to the country at least \$80,000,000 in the cost of construction; yet an early head of the enterprise asked that Gorgas, Carter, and Ross be called back, and that doctors who used ordinary measures be sent to take their places. The objection to efficient administration was because of the expense which these "theoretical dreamers" was causing, and because they were paying more attention to the mosquitoes than to human beings.

One may sail in a large ocean steamer from New York up the Amazon 900 miles, and then up the Madeira river 600 miles further to Porto Velho. Then there are about two hundred miles of practically impassible rapids, beyond which there are many hundred miles of navigable waters. This highway from eastern Bolivia is of immense importance both to that nation and to Brazil. Two attempts had been made to construct a railroad to cover this little distance, but each failed. Adopting the sanitary ideas used in the Panama construction, after two score years of discour-

aged abandonment the road has been built, and so important was it that customers were willing and glad to pay \$150 a ton freight on rubber for that short distance. They saved money by so doing.

Down in British Guiana it was found that the cost of sugar production was materially increased because of the presence of the hookworm. Many inhabitants were unable to work at all, and those who did were only able to do a portion of their normal stunt.

An epidemic of typhoid fever in an Illinois town completely disables its victims, and they require the care and attention of others who might be employed in productive work. Besides this, those who continue their usual occupations are weakened in efficiency through anxiety relative to friends who are sick. Every cent of money spent for the services of doctors and nurses, and for drugs and other necessities of the sick room, and the time taken for this work, means so much lost from the economic resources of the community. The expense of the community is greater, and the economic production is less than it should be.

#### INEFFICIENCY OF HEALTH ADMINISTRATION

In spite of these facts which should be self evident, there is no part of American governmental administration which is more inefficient and lacking in business common sense. The reason for this is that the people do not realize that health preservation is an independent science, which has come into being since 1898, when the revolutionary facts relative to the agencies for the spread of disease began to be uncovered. Customs, the chain put on by long forgotten ancestors, binds American communities to indefensible practices. The average citizen may not even vote, and he almost surely pays little attention to see that the health department is in the hands of competent men. In New York city under the Tweed regime the health department was

systematically used for the collecting of blackmail, and the occupation of more recent departments has often been little more beneficial for the community.

Previous to 1898 health administration was uncertain and inefficient because it was not based upon important facts. A case of yellow fever was fenced in or abandoned, but the disease spread in more than geometrical ratio. Fleets which sailed into Santos or Havana with happy crews were left to rot because of the death of the sailors. Now it is known definitely that this disease is spread only under certain conditions by one species of mosquito, and by screening in the patient for three days and killing all mosquitoes which may have had access to him in that time, all danger of the spread of infection will be avoided. In the place of the expense and inhumanity of the former method, with failure to produce good results, we now have efficient protection, kindness, and minimum of cost. Similar conditions exist as to many other diseases.

Manure piles were formerly regarded as nuisances, on account of the odor, and consequently on account of the sight. Now we know that flies and rats are carriers of disease germs; and that these insects and animals breed in manure piles. Neither the sight nor the odor are harmful to human life, but the flies and rats which manure piles produce may be very great dangers. Flies, as a rule do not breed in the garbage; they go to the garbage pail to eat, and an efficient warfare upon flies depends not so much upon the "swat" idea, nor upon the disposal of garbage, as upon the care to prevent their breeding. It is unjust and largely inefficient to prosecute grocers, butchers, bakers and restaurant keepers because there are flies in their establishments, while permitting a neighboring horseshoer to maintain a breeding establishment in a pile of manure so small that it is easily passed without notice.

## ORGANIZATION OF MUNICIPAL HEALTH DEPARTMENTS

According to the laws of Illinois, cities and villages may appoint boards of health or they may appoint health commissioners or health officers, but they are not obliged to do either. An investigation made some time ago revealed the fact that some corporations had no semblance of health departments, but most had boards of health generally composed of members who had not enjoyed any privilege of education or training fitting them for their responsibility. In some, the office of commissioner, or health officer was filled by a practicing physician under the mistaken idea that physicians know about public sanitation.

Boards of health have no legislative power, and there is absolutely nothing which can be said in defense of the board idea. Boards of health are never efficient, and it is impossible for them to be so. A board is contrary to every business idea of efficiency. As well might the operation of a pumping station be placed in the care of a board of amateur engineers, or an automobile be so constructed that every occupant would have an equal control over its movements, as to expect a board of health to do good work in protecting the community from diseases. Every member less competent than the most, by so much weakens the administration.

Some time ago in a small Illinois city there was a board of health composed of three practicing physicians. They were, for physicians, unusually well posted in sanitation. A young man came home sick with typhoid fever, and one of the members of the board was called to attend him. His mother was a poor widow who supported herself by running a dairy business. She nursed her boy and cared for the milk as best she could. All the members of the board of health knew that she should not do so, but the attending physician knew that to forbid her would be to cause her

financial embarrassment, and that it would incidentally result in having the collection of his own account indefinitely postponed. It would also cause the widow and her friends to become embittered against him. The other members delayed action because in that small community it would be said that they were actuated by professional jealousy. No one man had the authority to act, and no one had responsibility in the case. After some forty needless cases of typhoid had occurred (for which, of course, the attending physicians received good pay,) and five or six deaths, the community was sufficiently awakened so that restrictions were placed upon the conduct of the milk business, and the cases ceased to develop. This is typical of the inefficiency of boards of health, though their evils are not always so apparent.

The only business method of organization in any line is to make one man responsible for the work of the entire department. If assistants are needed they should be responsible to him, but if the number be great there should be heads of bureaus who are each responsible for the work of all men under them; and for large departments these bureau heads may have assistants, each being responsible for his own men. It is self evident that the head of the department should be a man who is educated and trained in that particular line of work.

#### PHYSICIANS AS HEALTH OFFICIALS

In most American cities today a physician is found at the head of the health department, because it is popularly supposed that they know the business. Nothing is further from the truth. There is no more intrinsic reason for the appointment of a physician to such a position than there is for the appointment of a veterinarian. Public health protection is practically untaught in medical schools. In the past the best course in this country was given in the Massachusetts Institute of Technology, and some of our best text

books have been written by engineers. Public health is today taught more in veterinary colleges than in medical schools. Courses in public health are being imperfectly given today in connection with Harvard (in cooperation with the Massachusetts Institute) and at the Universities of Michigan, Wisconsin, Minnesota, and Ohio, and at the Washington University at St. Louis, but these courses are not well supported, because the people of the land have not yet awakened to the fact that public health is a distinct science, and made an inducement for men to study it. Health positions are temporary in character, and the pay uncertain and not at all commensurate with the study and responsibilities involved. Appointments are too often made solely on a political basis.

Sometimes appointments of young physicians are made under the supposition that it will help them in practice. This is far from the fact. While some health officers have undoubtedly been helped in their business by their connection with the office, it still remains probably true that *no physician in private practice ever served a city as its health commissioner, honestly and efficiently, who did not thereby injure or ruin his private practice.*

Three quarters of the course in medical schools has no relationship to the preservation of the public health; and on the other hand much that it is absolutely necessary for an efficient health official to know is untouched in the medical curriculum. First, it is necessary that he should be well posted in administrative law. Much work of health departments is inefficient and disappointing because of this primary lack. Prosecutions fall flat, and ordinances are faulty, because the head of the department does not know the right way to accomplish his object. The health official must know something of veterinary medicine, and he must know how to identify many insects and animals, and know their life habits. He must know the engineering and economic prin-

ciples involved in the water supply, the sewage problem, and the methods of garbage disposal.

As to the legal side, for illustration, it may be objected that the municipality has the services of an attorney; but the lawyer does not know the sanitary principles involved, and as a result unless wisely guided by the health official, he makes a bull of his efforts. Unless the health official understands the law he cannot wisely guide the attorney. Take the matter of manure, for example. The lawyer will naturally depend merely upon decisions made under the old principles of the practice of sanitation; but the change in scientific knowledge makes a difference in the application of old legal principles. Formerly, when the decision as to the nuisance of a manure pile was upon the basis of its odor and size, a small pile would be practically unnoticed, and a large pile might be disregarded if it were over fifty feet away. At the most it was a private nuisance. Now, when we know it as a breeder of flies and rats, and that they are carriers of infectious diseases, and that the fly will ordinarily go five or six hundred feet in a single flight, the pile must be considered a nuisance at least six hundred feet away, and in a city it becomes a public nuisance. Formerly a pile was a nuisance in proportion to its size; now it is almost in inverse proportion to its size. Where a pile accumulates at the rate of a wagonload a week, the outer portion is too fresh to develop the maggots; and the interior is so hot as to kill them; but the little pile, which takes all summer to accumulate a barrowful, is ideal for fly production.

No matter how friendly the members may be, there is an inherent antagonism between the practice of medicine and that of health protection. The practitioner only gets his chance of a living where the health protection has failed. Not only the education, but the very habits of thought are divergent between the two professions. There is far more in common between the practice of medicine among human



beings and those of pharmacy, dentistry and veterinary service, than between it and public health protection. About one third of the veterinary graduates take examinations for entrance into governmental service, and for this reason the students get some instruction in public health, but those who enter private practice rapidly forget this in their attention to their daily work.

#### PERMANENCY OF POSITION

The head of the department should be a man specially qualified for his position, and he should hold his position so long as he renders efficient service. He should never be a man engaged in private practice of medicine. If the department be small, he may have the assistance of one or two men who devote only a portion of their time to that work, and sometimes there may be an advantage in having the bacterial examinations, for instance, done by men who are also engaged in private practice. Such work will often be an aid to the practitioner, and decrease the cost of the department; but the head of the department, the man who is responsible, should not have his attention diverted from his official duties. In times of epidemic there is most for the official to do, and those are the times when the private practitioner is also busy. If, as often happens, the official pay is nominal or small, he will be obliged to neglect his official work to attend to private interests.

The present law of Illinois forbids the appointment of officers who have not been resident in the city where appointed at least one year next preceeding appointment. This law is vicious, and should be repealed. It is founded on the "spoils system", and is an enemy to good work. It may be evaded in health departments by making the position one of employment, rather than of office. With this obstruction out of the way small cities would be benefitted, because an ambitious man would be stimulated to do his best work, and give close study to the duties of his position, in

the expectant hope that he might gain advancement by being called to a larger place. Now, he knows that this hope is impossible, and if he loses his job he must begin work over again. Then the larger place would be able to get a man who had demonstrated his efficiency; now it must speculate by trying untrained men.

#### AMATEUR SANITARIANS

Much attention has recently been devoted to matters of public health. Tuberculosis societies have been formed, which would not be needed with an efficient department. A portion of the normal work of a health office is to educate the people. Then, too, many well intentioned and enthusiastic amateur sanitarians get busy relative to some side of the health protection which has appealed to their attention. This is peculiarly true of committees of women's clubs. The interest is all right, but the trouble is that in the place of putting their pressure upon the appointment of efficient sanitarians to positions of trust in the service, they try themselves to get through special reforms. They urge the passage of ordinances which make minute, and sometimes unscientific requirements. They are blind leaders of the blind, because they are not themselves educated in the science. They simply attack the evils which they see, and frequently do not go to the root of the matter. They insist on the screening of bakeries and markets and restaurants, which is all right and commendable, but they forget that these screens in places of business will not keep out the flies which are bred by the million in the neighborhood. They blame the garbage for the flies, forgetting that the garbage can is only one of the places where the flies feed. The place to strike is where the flies are produced, and these the amateur sanitarians generally ignore, and even when they pass such places they fail to recognize them, because of a lack of scientific training. This is where the trained man will strike, and only the training will show him how. These amateur sanitarians can be of the greatest aid to the com-

missioner, but for them to attempt to tell him what to do is only evidence of his incompetence, in their minds at least.

#### EXPENSE

The excuse is generally made, especially in small communities, that they cannot afford the expense. This is not true. In a city containing five practitioners of medicine, if the city offered to give one of them as much as he makes in private practice, provided that he put in his full time and study in the protection of the city health, the community would save money thereby, and within a year or two one of the remaining doctors would seek a new location.

Another method has been found to work satisfactory in an experiment tried in Massachusetts under the direction of Professor Phelps, in which several adjoining towns combined to establish a health office, with three or more full time officials. A similar plan has worked well in one case in Illinois.

#### SUMMARY

A municipal health department should be under the charge of one man, trained for his work, and devoting his full time to the service. He should be responsible for all of the work, though he should have such assistance as the place warrants. Every person in the department should be responsible to his superior for some particular portion of the work. The health official should take absolutely no part in local politics, and he should hold his office so long as he honestly devotes himself to the study of his work, and its efficient performance.

## THE PROBLEM OF THE 'HOMELESS MAN'

CHARLES F. ROGERS

*Former Superintendent of the Municipal Lodging House of  
Chicago*

The problem of the 'Homeless Man' is one that has been forced upon our attention during the last two winters to an extent hitherto unknown. Industrial conditions have been such that large numbers of men have been forced out of employment. That class of laborers which was the least skilled and which followed those occupations which did not furnish steady employment under normal conditions was hit the hardest. The result was that our cities were compelled to care for these men in greater numbers than they had ever before even anticipated. For example, a few years ago when the City of Chicago was considering the question of enlarging its equipment, the authorities thought they were anticipating their needs for several years to come when they planned to provide for 750 beds so arranged that this number could be doubled upon short notice without increasing the size of the building. Last winter they were compelled to care for 3500 and more for several weeks. And this is only one instance out of many that might be cited, and at the same time it does not begin to include the number cared for in the City of Chicago by other agencies.

In discussing this problem with you this morning I fully realize that there is a considerable difference in the way the problem must be handled in the larger cities from the way it is dealt with in the smaller municipalities. This difference is due chiefly to the large number of men applying

for aid in the large cities, which in turn brings about two conditions. The first is the greater number of groups to be found in the larger number of men. Each individual group has its own peculiar problem and must be dealt with accordingly. For instance, large numbers of men are being continually shipped out of Chicago. Many of them are compelled to return to Chicago to collect their wages. Oftentimes, they have had to wait several days in order to collect their wages and many of them are without the funds required to provide for their actual needs while waiting to collect their wages. This is one of the problems not met with in the smaller municipality. The other condition is found in the large number of agencies attempting to deal with this problem in the large city. Often these various agencies are working without any plan of cooperation whatever. Many times they are entirely ignorant of what any other agency is attempting to do. The result is duplication of effort and waste of time and funds. In the smaller city the situation is fortunately entirely different. The number of men of this type is small compared with the crowds that flock to New York, Cleveland, St. Louis, Chicago or several others that I might mention. Because of this small number of men, the number of agencies dealing with them is also small. In fact, the municipality is often the only one that attempts to handle the problem, and can easily control the entire situation. Therefore, I say there is a difference in the way the problem is handled in the various municipalities and because of this difference I feel that I can do no more than to suggest a few general principles to guide us in our deliberations and offer a few suggestions as to the methods to be employed in dealing with this class, hoping thus to arrive at some working basis.

I shall also confine myself to this one problem and not attempt to enter into any discussion of the other problems such as Vagrancy and Unemployment, with which it is so closely associated.

## NO HASTY SOLUTION

In the first place I believe that we must admit that there can be no quick or hurried solution of this problem. It is a very large one and the number of men included is enormous. This number has never been ascertained with any degree of accuracy, but it is almost legion. Then, too, the problem is an ancient one and one that is very deeply rooted in our industrial and social conditions. Seasonal labor has been a very important factor in the development of this class. The very fact that a man cannot work steadily during the entire year at certain occupations, but must travel from town to town if he is to keep at work even a greater proportion of his time causes him to leave his home, if he has one, at least to leave his native town, and to wander amid conditions and under circumstances that do not tend to increase his working efficiency, conserve his physical resources or retain whatever he may possess in the shape of a good moral character. On the other hand, all these influences tend to lower his efficiency, sap his physical strength and degrade his manhood. The ultimate result is a large number of recruits to this class of 'Homeless Men,' and until some means can be devised to offset these effects we shall have this recruiting factor to deal with.

I have said that it was deeply rooted in our social conditions. Too many of us, I fear, look upon this class as being made up entirely of 'bums' and 'hoboes'. We also hold them entirely responsible for being what they are. The very persistence of these words in our vocabulary and the frequency with which they are used indicates our estimate of the whole class. Incidentally, it may reveal what we think of ourselves. But the fact remains that we think of them in these terms and because we do we actually hinder the reclamation of these individuals to society and tend to keep them where they are and what they are. This fact was brought home to me quite forcibly only a short time ago

in talking with one of these men who had been converted in one of our street missions. In speaking of the treatment he had received in a certain church he stated that the very fact that a certain well dressed lady came and spoke to him helped him to realize that he was not entirely lost, but that there was still some good latent in him that only needed to be developed. As he himself expressed it, "The fact that a woman like her came and spoke to me made me feel that there must be some good in me still." We are also too prone to look upon this class as undeserving of any consideration and as unresponsive to any treatment. We say, "It's no use", and we are content to let them wander wherever their own sweet wills take them, provided their paths do not in any way conflict with ours. Now, I admit that this is a rather discouraging class to deal with, but I also claim we are hindering the very things we hope to accomplish as long as society persists in maintaining this attitude towards them, and this is an attitude which will not be easily eradicated. It is deeply rooted in the thought and life of society.

I also said it was deeply rooted in the individual. I am not of the opinion that some of our social workers hold, namely "Six months a tramp, always a tramp". However, this is disease, if I may be allowed to use that term, which does take a very firm hold of the individual and for that reason requires all the more skillful, careful, painstaking treatment. Some of the treatment may have to be more or less severe, and I know of no one 'Specific' that will bring about a speedy cure, nor will the problem be solved in the next few months. However, that should in no wise hinder us from tackling the problem with all our heart and soul.

#### MUST DEAL PRIMARILY WITH CAUSES

It should not be necessary to make this statement in dealing with any great problem in this day and age. I do so only because I believe this is the one great problem in

which, so far, we have been content with the mere alleviation of local conditions. Only in times of great financial distress has the problem been an acute one. Even then the intensity of the situation has been acknowledged only during the winter months. We have been content to alleviate the distress for the time being and seem to hope that this particular affliction will not break out again. The result has been that there has been no serious consideration of the methods to be employed and this in turn has resulted in employing methods which have actually increased the number of 'homeless men', unduly burdened the taxpayer and, most of all, degraded the individual.

A POSITIVE CONSTRUCTIVE POLICY AS WELL AS A NEGATIVE ONE MUST BE PURSUED

Note that I say 'As well as a negative one'. I fully agree with those who maintain that there are certain acts which we must prohibit for we are dealing with a class upon which the deterrent principles have a marked effect. Moreover, I am not a believer in that new theology, so-called, which discredits all of the "Thou shalt nots" of the Old Testament, a theology which, by the way, I understand has decreased very much in market value since the war broke out. I also believe very firmly in the principle laid down by the apostle Paul in his letter to the Thessalonians, "if any would not work neither should he eat". This policy strictly enforced will work wonders in freeing a small municipality or a farm from tramps. We always used it down on the farm on which I was raised. But this is only one step and not the most important one by far. Constructive measures looking towards the reclamation of all the individuals of all the groups which go to make up this class must be employed. Furthermore, we must attempt to supply all the needs of these various groups and not be content with supplying that one which seems the most urgent.



### EMPLOYMENT AND TEMPORARY MATERIAL RELIEF WILL NOT SOLVE THE PROBLEM

We have sometimes acted as though we thought we had completed our task and done our full duty when we have offered the man a job. True, this will help a great deal in a good many instances, but there are also a goodly number of cases in which it will not solve the situation and some in which it will work a positive injury. Some still prefer begging to working, especially when living facilities are offered so cheaply in some of our large cities. Let me explain what cheap living facilities means in Chicago at present. The following bill of fare, or its equivalent, is to be found in at least three restaurants situated in the lodging house district, two of these restaurants being conducted as purely business enterprises, the other being connected with one of the missions and obtaining part of its food supplies without cost. Here is the bill of fare: Neck bones, sausage, hamburger, pig snouts, hash, lamb stew, liver and onions, bones and beans, any one of the above named served with all the bread you want, one vegetable, and a cup of coffee for five cents. Lodging can be secured for five or ten cents, the price depending whether a person is content with a chair or flop, or desires a bed and bath. Some flops can also be obtained free if the person attends a religious service. These facts have combined to bring about a condition at present in which the employment agencies which cater to the demand for unskilled labor find themselves unable to supply the demand. At the same time a number of vagrants and ne-er do wells are wandering our streets complaining that they cannot get work, when the only reason they have for looking for a job is in order to dodge around the corner when they see it coming. No, employment will not solve the problem.

Neither will the giving of mere material relief clear the situation. This only alleviates the pain for the time being and if administered with a free hand only complicates the

situation. When one realizes that five out of every six of these men are over twenty and under fifty years of age—just the age when most men are not only caring for themselves but for from two to four or more other person—and that these men cannot even care for themselves, then he is aware of the fact that there is something radically wrong with the man himself and that he needs more than a handout or a place to sleep.

#### WORK MUST BE NATIONAL IN ITS SCOPE

Next, our program must, to quite a large extent, be a national one. The evil is a national one and not peculiar to any locality. These men, while not citizens of any one city, are citizens of the nation. They wander from place to place and local legislation can never hope to solve a national evil of this size. Also, the education necessary to secure the needed federal legislation must be nation wide in its extent. Local communities may well study their own peculiar situation and their own peculiar problems and thus solve the situation as far as they are concerned to a certain extent, but at the same time we must work for a national solution if we are to free our own localities from all the effects of the evils connected with this question.

#### THE WELFARE OF THE INDIVIDUAL

In all our deliberations I believe we should ever keep in mind, first, last and always, the welfare of the individual,—internal, external and eternal. Heretofore, I believe this factor has been given about the least consideration and when we stop to reflect that after all is said and done the "Homeless Man" himself is the one most affected, I believe that we will recognize the fact that he is entitled to some consideration in the matter. Heretofore the theory that we should drive the 'hobo' out of town has to quite a large extent determined the policy of our authorities in dealing with the situation. We have sometimes been proud of the fact that our city had the reputation of 'being hard on the bums', or

that our marshal was able to get them out of town in a few hours. In fact, the sentence of the court "Two hours to get out of town" is not an uncommon one. That may be all right for the town, but how about the 'bum'? Where in heaven above, or on the earth below, or in the places under the earth is he to go if every town works this plan? Also, is he entirely at fault for being in his present condition? With the industrial conditions prevailing a year ago these men were not entirely to blame for being without funds at the beginning of winter. The average wage in the construction camp was only \$1.50 per day. Board was \$4.00 per week, leaving only \$5.00 at the end of the week, provided he put in full time and did not lose anything on account of sickness, rainy days, or having the work stop at the particular camp in which he was located and thus be forced to come to town and ship out again. One of the better men of this class informed me about a year ago that he had tried hard to get a 'stake' of ten dollars during the summer, but that he had not been able to do so. But lack of employment is not the only factor that has made him what he is. How about the lack of an education of any sort? How about the lack of vocational training and of a decent home? What about bad environment both now and during his earlier years? What about his inherited tendencies to drink, shiftlessness, begging, etc.? Perhaps the first time he was thrown out of employment he was thrown into the companionship of the professional vagrant and subjected to all kinds of ridicule for attempting to earn his living in an honest manner. He may have even been schooled in the art of gaining his livelihood without working. I believe that we must take these factors into consideration, and realizing them, work for the welfare of these unfortunate individuals. Just because a kind Providence gave us a richer inheritance than it did the brother by our side is no reason for our treating him harshly or unkindly. And so I say let us in all our deliberations ever keep the welfare of these men in view,

even at the risk of our beloved town's losing its reputation, though I do not think that this will necessarily follow.

So much by way of a statement of a few guiding principles. Now for a few suggestions as to the methods to be pursued in dealing with this class.

**ALL MATERIAL RELIEF AFFORDED THIS CLASS SHOULD BE  
UNDER MUNICIPAL CONTROL**

First, I believe that all relief given this class should be given by the municipal authorities or by agencies under their immediate control. This would abolish all bread lines, all free soup kettles, free lodgings at missions and similar organizations, and eventually back door handouts by the new maid. It would free the missions from the burden of what they term the 'rounder'; it would relieve the citizen from the beggar on the street and would clarify the whole vagrancy situation. This is a plan that could be easily put into effect in the smaller municipality. The citizens could soon be educated so that they would gladly refer all applicants to the authorities and I believe that the missions and similar organizations would soon swing into line. In fact, this very plan is being advocated by some of the foremost leading mission workers in the United States. They have tried the other plan and are willing to give it up if the municipal authorities will take over the entire problem.

This plan carries with it the fact that the Municipal Lodging House must be kept open the entire year. Once closed other agencies will be forced to deal with the situation and much ground gained by months of earnest effort will be lost. Besides, a multiplicity of agencies always tends to make the town more or less "open" in this respect. It has been the policy in some localities to close the Municipal Lodging House in summer on the ground that only a small number of men make use of its facilities. However, the value of a Municipal Lodging House is not measured entirely by the number of men accommodated therein. It has its protective value the same as the Fire Department or the Health Department has. We do not measure the value of

a Health Department by the number of cases handled by the physicians, but by the disease prevented and the value of a lodging house to the community should be considered on the same basis.

This plan also means decent accommodations at the Municipal Lodging House. A failure to appreciate the value of a lodging house to the community has been responsible for conditions that ought not to have been tolerated under any circumstances and if the municipal authorities are to deal with this situation entirely, they must have the funds necessary to provide at least sanitary quarters for these men. The city should set the standard in this respect and not be the worst offender in the community. The "Rufus Dawes Hotel" has demonstrated that decent accommodations can be provided at a very low cost and there is no reason why such conditions as have been tolerated should be allowed to continue.

#### NO RELIEF BY MUNICIPALITY WITHOUT WORK

Next: No relief should be given by the municipality without demanding some work in return unless the applicant is ill. Heretofore some of our authorities have acted on the principle that if a man was hungry he should be fed and no questions asked and no work required. This would be all right if it were not for one fact. That fact is what I believe we who are Presbyterians term 'Original Sin.' Others call it plain human nature. But call it what you may, it is in these men the same as in any other class. It must be recognized, and it must be dealt with, for if we make mere material relief easily obtainable for this class we are encouraging them to continue in this manner of life and we ourselves are the chief of sinners in this respect. This will mean a woodpile or a stoneyard or some other industry particularly adapted to the locality, but for the sake of all concerned I believe this provision should be carried out in every instance. It will disclose whether the applicant is a

beggar, it will free the city from the professional rounder, and it will not degrade the individual.

#### INDIVIDUAL TREATMENT OF EACH APPLICANT

I would next suggest individual treatment for each person. Great mistakes have been made heretofore in attempting to deal with this class in the mass. The old policy still in force in some localities of allowing the person to stay three nights and no longer, is an example of this type of treatment. These men do not come from the same place, they are not all of the same age, they have different needs and what will aid one person will work injury to another. No physician would attempt to give exactly the same treatment to a large number of men all suffering from different diseases. And the same principle should be applied here. We must recognize the facts that each of these men is a separate distinct individual and treat him as such and not attempt to handle the whole class as one big group without regard to what the man needs or thinks he needs.

This policy means registration and more than that it means an interview with every individual. This interview should not be for the purpose of gathering statistics, though I admit that statistics interesting and valuable will be collected. For example, when we began to make inquiry of some of the foreigners who claimed to have been working all summer and yet were almost entirely without funds at the beginning of winter, we learned that the chief reason was that they had sent the larger portions of their earnings to relatives in Europe. Some of this had been sent home to pay for the support of their relatives. Others had used it to purchase property in Europe. One man admitted that he had sent home approximately \$2000 in four years and that it was being used to purchase a farm. Nor should this interview be for the purpose of prying into the individual's private affairs, but simply for the purpose of obtaining whatever information is necessary in order to deal intelli-

gently and efficiently with the applicant. It should be of the nature of a friendly chat and should be held by a person experienced in dealing with this class of individuals. Some may think that this step is unnecessary, but I believe it must be resorted to if we are to do our whole duty to the man himself. We employ this method in dealing with practically every other situation in life. The doctor does not prescribe for the patient without first diagnosing the case. The courts do not sentence a man to prison without hearing the evidence, nor do they attempt to deal with criminals in groups, giving all the burglars the same sentence, all the embezzlers another sentence and the petty criminals another. No, each man's case is decidedly individual and how can we expect to accomplish anything that shall prove a real benefit to the man and to society if we fail to apply this same method in this case?

#### NEED OF TWO FARM COLONIES

These suggestions relate so far in general to the work connected with the problem of furnishing temporary relief. There are some, however, for whom no amount of temporary relief will ever avail. For these I believe we must provide a farm colony and I would suggest not one, but two. The first one should be a sort of semi-penal institution, perhaps a farm colony and workhouse combined, to which all vagrants, beggars, chronic drunkards, and persons suffering from any form of venereal disease could be committed by the courts. The sentence, too, should be much longer than an ordinary workhouse sentence. I would advocate an indeterminate sentence of from twelve to eighteen, and in some instances, twenty-four months. In other words, I would send him there not to be punished, but to be cured, and it takes time, time, time, to extract all the drunkenness, laziness, and general shiftlessness out of a man's system and to instill habits of thrift and industry. Furthermore, in a year's time a man could acquire a general knowledge of farm work, perhaps a liking for farm life, so that he would

then be a valuable hired man for the farmer, a profession for which some of these men can be fitted and one that is far from being overcrowded at the present time. :

The other colony should be a place where a bona fide resident of the community could upon proper identification, be admitted by the court with the distinct understanding that in return for his labor he would be properly housed and fed until he could secure paid employment. He should be allowed to leave upon two days' notice to the Superintendent. There should also be a system of exchange between the two colonies so that in case a person had been admitted to the wrong institution he could be promptly transferred. Some may question the advisability of two farms, but no honest individual should be subjected to the stigma and disgrace of a penal sentence nor to the environment of those for whom the first mentioned farm is intended. Germany has made its mistake in providing for only one type of farm colony. There are at least two general types of men in this class. Both are I. W. W.'s—I Will Work, and I Won't Work—and society must recognize this fact in dealing with them.

#### FACILITIES FOR RECREATION

Two suggestions in the shape of actual constructive work. One of the factors that has contributed largely to the downfall of these men has been the lack of decent facilities for recreation. Many of these men at the beginning of the winter season are forced into idleness for a greater or longer period. When this time arrives the person is often without a decent place to spend his idle moments. During the summer he has had little opportunity for any associations outside those of his own camp or his own gang. He has had no opportunity whatsoever to meet any one of the opposite sex amid decent surroundings or in any normal manner. Now he is in town. He has money in his pocket. Perhaps his passions have been aroused and his appetites whetted by the stories he has heard at the camp during the



summer. He may have already decided upon what particular resort he will visit. Very few places outside of the resort and the saloon where he may meet and mingle with those of his own kind are open to him. And these do not offer very much attraction. Consequently he drifts to the saloon and to the resort. I believe these facts present a challenge to the mission and to the settlement near the lodging house district to enter upon a field of work at present almost untouched by furnishing decent entertainments for the people in a room and amid surroundings which will attract this class. The men actually enjoy the better things which we ourselves enjoy and society may well consider this question.

#### EFFECTIVE RELIGIOUS WORK

I have said several things today about the part the missions have had to do in the handling of this class. I have just suggested what to some of them may be a new field of endeavor. I do not want anyone here to interpret anything I have said as being said in a fault-finding spirit or as being a criticism of honest, effective religious effort. I believe in it with all my heart and soul. Moreover, I feel I should be remiss in my duty here today if I did not call your attention to the financial value of effective religious work in dealing with this class. I think I may say that without trespassing upon any man's creed or religion, no matter with what particular branch of the church he may be connected. When you see a man who is seemingly a hopeless derelict, an out-cast from society and from his own home, a miserable drunken wretch, completely transformed so that he is able to return to his home and to his friends, placed in a responsible position in one of the largest stores in the United States, an honor to society and to all who know him, and all due to the power of effective religious work, then we have to admit that here is a factor the value of which in solving this question is neither to be despised nor to be discarded. Therefore I submit to you this question: Ought not the

municipal authorities to be interested enough along this line to encourage those who are trying to do this work in every possible way? In this way we can secure the much-needed cooperation from them and can utilize this power in the reclamation of these individuals to society, which, after all, is the great thing we desire to accomplish.

#### WORK OF A NATIONAL SCOPE

I said a few moments ago that our program should include work of a national scope. One of the evils that will need federal legislation to check is that of railroad trespassing. As soon as our great national highways can be closed to the tramp population, just so soon will we remove one of the biggest factors which tends to perpetuate this class. However, with this must come means for providing cheap transportation to and from the great labor markets. This, too, is a problem for federal legislation.

Another evil to be corrected by a nation-wide concerted movement is the present tendency to make false or partly true statements regarding the labor market. I hope the time will soon come when the labor market reports will be given a prominent place in our large dailies and that this report will contain not only how many additional men are to be given work in a certain town next week, but that it will also state how many men are available at present in that particular locality, so that a man will know whether it is worth his time to go to that particular town in search of employment. In this way we can prevent all useless travel in search of work. Moreover, our large cities will be freed from caring for those who come there claiming that they "heard" there was lots of work in that vicinity. This excuse will hold water no longer.

In closing I only want to emphasize once again the need of keeping the welfare of the individual before us in all of

our deliberations. Too often our view is the one so aptly described by these lines of Robert Healy:

There's a ship floats past with a swaying lurch,  
    No sails, no crew, no spar,  
And she drifts from the paths of her sister ships  
To the place where the dead ships are.  
The song of her crew is hushed for aye,  
    Her name no man can say,  
She is ruled by the tide and whatever wind blows  
And no one knows where the derelict goes.  
  
There's a man slinks past with a lurching gait,  
    No joy, no hope, no star,  
And he drifts from the paths of his brother men  
To wherever the other wrecks are.  
The song of his youth is hushed for aye,  
    His name but he can say,  
He is ruled by the tide and whatever wind blows  
And no one knows where the derelict goes.

We should care as to where these fellow-beings go,—  
they are not all derelicts, neither are they entirely to blame  
for being what they are—and if we care we shall know.

## SOME ASPECTS OF THE ENGINEERING DEPARTMENT OF SMALL CITIES

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The municipalities of Illinois have grown wonderfully in the past thirty years. The growth in population is not as striking as the growth in municipal activities, in municipal responsibilities, in municipal opportunities. One's memory does not have to go very far back to see the mud-bound business streets of Illinois towns as they existed almost universally twenty-five years ago, and to appreciate the great advance which has come in utilitarian conditions as well as the improvement in appearance and in sanitary conditions. It does not require a long memory to chronicle great changes in the drainage conditions of our inland cities, and in the methods of carrying away and disposing of liquid wastes. Public water systems have been started and expanded many times over in this period. Lighting methods have been revolutionized several times. The methods of transportation in use have developed wonderfully. The amount of money needed for city improvements and for city activities has grown amazingly.

And the requirements for the Illinois city will increase even more rapidly in the future. Municipal activities must increase. Our cities are yet far behind present requirements. Improvements in various lines are even now demanded, and it will be strange if developments in the near future will not entail additional activities. And it is to be expected that our standards of municipal work will rise,—the construction will be more durable—will take on more and more the feature of permanency of construction—will

more and more consider the matter of appearances, of beauty and artistic form—will consider the human side of urban life—will raise the standards of sanitary requirements. European cities have standards of excellence unknown to our western cities. Our western cities have been built much like our western railroads—there were vast distances and large areas—and the demands were for low cost of construction and quick results—there was little money available for so great projects. Construction was of temporary nature and structures did not last long. Compare the masonry, culverts, steel bridges, wide embankments, heavy track and ballast, and expensive terminals of the present day with the conditions of the railroad of yesterday. The Illinois city may be expected to rebuild in the same way. It will take time to catch up with the rapid growth in population and municipal requirements, but the change in standards will come. The signs are all pointing that way. Any estimate of the expenditures which will be required in the next few years to meet adequately these needs would be received with incredulity. With the natural wealth of our Illinois cities and the intelligence of their population a way will be found to meet the financial situation. Our cities can not expect to carry on present day functions with yesterday's resources. There is every reason to believe that the next thirty years will see wonderful progress in the cities of this state.

It is pertinent to say that a very large part of municipal construction and municipal operation is of an engineering nature and that the engineer may be expected to take a part in it. The laying out and construction of pavements and walks, involving great expenditure, is engineering work, even though it may seem simple. The designing and construction of drainage and sewerage systems, small or large, requires the services of the engineer. Municipal waterworks requires the engineer's skill, and the relations between the private water company and the municipality or

the public require an understanding on the part of municipal administration of the engineer's view point. General sanitation, street cleaning, and garbage disposal come within the province of the engineer. Lighting the streets is another engineering activity. Add to these the bridges and structures and park work and other lines of construction operation and maintenance, and it is apparent that the field of municipal engineering constitutes an important part of municipal activities.

Again, the records of the office of the engineer of the municipality are of considerable importance, much more than the time and expenditure ordinarily allowed for them would indicate. Some of them may directly or indirectly affect the boundaries and title to valuable real estate. The location of underground sewers, drains, service pipes, water mains, gas mains, conduits, affects many interests, and the absence of a proper record may mean expense and great inconvenience to city or citizen. Memory is short—particularly municipal memory. Ten years is not long in the life of a pavement, nor twenty in the life of a sewer, nor a hundred in the life of a water main. The more permanent the construction, the more necessary a proper record. And all this applies to methods of construction and use and purpose of something that has been done. In the permanent city, the engineers' record is important.

It is now considered that city planning should be a function of a city government, that the future growth of the city and its future development should be along lines of some well-conceived plan devised also to get rid of some of the ill-conceived features or defects which may exist in the location of streets and connections, arrangement of transportation facilities and railroads, layout of civic centers, parks and boulevards, and disposition of business districts and residential sections. Our cities are much like Topsy—they have "just growed". Real estate speculation or immediate necessity has controlled the planning. I do not fully sympa-

thize with some of the views of those idealists who would reconstruct the plans of our cities by destruction and rebuilding, but it is the part of wisdom to use what foresight is at hand and to make improvements wherever possible. In the changes which are taking place year by year the opportunities for improvement should be utilized. And in the city planning and in its carrying out, the engineer may be expected to have his share.

I have referred to the work of the engineer thus fully to bring out its importance. I wish next to bring out the fact that this importance is not always realized and not fully appreciated in the smaller city and then to call attention to some of the disadvantages which accompany the present status of the engineering department of our inland cities.

Our large cities have well organized, efficient, stable engineering departments. The city of New York employs some of the best engineering talent of the country, and their tenure of office and terms of employment are similar to those found in the great industrial undertakings of the country. The same way may be said of most of the large cities of the country. In general the engineering departments of our large cities are on an excellent basis.

In the smaller city the requirements and standards may be expected to be quite different. The work of the department is general, and the engineer must have all-round qualifications. He cannot be expected to be a specialist; the city should expect to call in specialists whenever needed. However, it goes without saying, that he should be capable, efficient, well-informed and well-trained, mature, and properly suited in temperament and mental make-up for the work of the municipality. Furthermore, the method of appointment and the tenure of office should be such as to secure to the municipality the best talent and service and organization which the municipality can afford, and the budget for

the department should be in keeping with the duties and responsibilities assigned to it. The office should be provided with sufficient skilled assistance. Altogether, the department should be equipped and manned as fully as the size of the city and its needs demand.

Let me not be misunderstood. I am not advocating life tenure of office, for local conditions may make a change desirable, and besides the growth of a town may carry with it new requirements and new qualifications. I am not suggesting the employment of college graduates, though an engineering education is an excellent foundation on which to base engineering experience and the training is an excellent start in the training of an engineer. I am not expecting high salaried offices especially in our smaller cities, though I do feel that the emoluments now given are not adequate. What I am urging is that the engineering work be directed by an efficient, mature, experienced, qualified engineer, and that when this man is in office his tenure of office be reasonably secure. By our system of governing cities we must expect changes in governing bodies, in mayors and councils, and we must expect that the men elected to office, however skilled in business affairs and however closely in touch with local sentiment, will usually not be versed in engineering matters. Under such conditions it is highly important to the city and to the community to have in the municipal engineer a man of experience and judgement, who is familiar with what has been done and why it has been done, who may give information and perhaps advice, and who is familiar with the principles of sanitation and public health as well as the laws of construction engineering.

Unfortunately in our towns of 10,000 to 100,000 it is apparent that mayors and councils do not always appreciate the need for technical training, experience, judgment and maturity. Perhaps on account of political exigencies, perhaps because of lack of appreciation of the needs of the office, the new appointee may be a man without much ex-



perience, without maturity, without full qualifications for the place. Generally it is felt that choice must be restricted to local engineers, and it is possible that these may not be fully qualified. The work is not for the apprentice or the layman. In England, France, and Germany, better conditions have existed; the engineer is called from the smaller city or the lesser responsibility to the larger city and the better job as he shows his fitness, and great care is used in making these selections. Such methods are worth consideration here.

And it would seem that there is not always full appreciation of the work of the engineer. He is thought of as the man who sets the stakes, the surveyor who surveys for the job. Sometimes I feel that it might be better if the engineer sub-let this part of the work, for important though it is, it is only a means to an end, and the one who considers this work to be the prime purpose of the engineer overlooks the knowledge of construction, the judgment involved in engineering, the skill and experience underlying adequate designing, supervision, and execution of work, which are such large elements in the make-up of the engineer.

My thesis then is that the municipality will be greatly benefited by raising the quality of the engineering department, especially in view of the development which may be expected in the next thirty years; that only assured fitness for the highly important duties of the office should warrant appointment to a position as city engineer and that when a good man is found he should be held during satisfactory service; that amateur work is expensive and unsatisfactory; that work which in so many directions affects the health, comfort, pleasure, satisfaction, and pocket book of the community is worthy of the best attention; and that the engineering department of our smaller cities should be given the standing it deserves. Surely a public sentiment should be created to bring to municipalities as time goes on better and better service from the engineering department.

## CITY STREETS

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The subjects of City Streets is so comprehensive that it seems almost presumptuous to attempt to give a short paper on such a long subject that will add much to your interest or information. For both general and technical information on streets many books are now available, and there is also an abundance of interesting and profitable discussion in our engineering and municipal periodicals in addition to that to be found in the proceedings of our numerous municipal associations. The Municipal Journal, the Municipal Engineer, Better Roads and Streets, the City Beautiful, Engineering and Contracting, Engineering News, the Engineering Record, etc., are among those periodicals which should be mentioned as containing authoritative and reliable information on this subject. Of the national municipal societies whose proceedings and publications are valuable to city officials, I would recommend to your attention the National Municipal League, the American Society of Municipal Improvements, and the National Conference on City Planning. There are also many local associations throughout the country, especially in the larger cities, which are getting out much information on city streets of interest and value to all of us.

The writer will, then, taken the liberty of choosing and discussing only a few of the many live and important features of every-day interest.

A city street has been defined as "that part of a public highway intended for vehicles", also by Webster as "a thoroughfare bordered by dwellings and business houses". But

definitions may be influenced by impressions or point of view, and to us who travel the streets most, the foregoing definitions are altogether too incomprehensive. Altho streets are intended for vehicles and bordered by dwellings and business houses, we might add that they are also used as playgrounds or athletic fields, also as private dumping grounds or even continuous bill boards.

Almost every human interest adopts words or expressions to suit its own purposes. In some city regulations we find definitions constructed for local use which have gone about to the limit of common sense. For example, "a horse is a vehicle; a goat if drawing a cart is a horse; a baby carriage is not a vehicle, but a wheelbarrow is; and the man pushing it is a driver, and no driver shall be less than 16 years old".

The writer believes that the Street Superintendent can give us the most comprehensive idea of what a city street really is, although his impressions may be a little warped and calloused. He would probably say that the normal street is an endless avenue occupying the largest part of the area of the corporation, which he is expected to keep more or less immaculately clean. It may or may not contain a paved traffic way down its center flanked by parkings and sidewalks between which lie, in greater or less profusion, mounds or depressions—evidence of past and present explorations for sewers, conduits and other properties of public utility companies. He sees trees with low hanging boughs, some butchered and dying, and beneath them sidewalks heaving and humping and sinking, but ever imploring the aid of his uplifting hand. He sees thorofares lighted or unlighted, named or nameless, "signed" or signless, and in spite of law or ordinance highly decorated with private advertising posters, and an occasional election notice. Particularly where paved, the streets impress him as an incinerator, or a receptacle for lawn clippings, tree trimmings, the winter's coal supply or the vernal ash heap. He sees the

street as a thorofare along which vehicles nondescript and numberless run anywhere from minus 20 miles per hour to plus forty miles per hour, with or without tail lights or searchlights, and lefthanded or right handed at their personal pleasure and option. Being located at the end of the country highway, it becomes the depository for country mud; but of this he must not complain lest such complaint be contrued by commercial associations as an action in restraint of trade. It is more or less carpeted with sticks, bricks, broken stone and glass bottles, which all residents feel it is the Street Superintendent's special privilege to pick up. The street to him is also an avenue studded thickly with manholes, catch basins and flush tanks, and corrugated transversely with ridges, where, through somebody's hindsight being longer than his foresight, excavations have been made for repairs, or new installations of gas, sewer or water pipes.

The street superintendent's picture of the city street may be a little clouded in its coloring and probably should be discounted a little by the rest of us. We would probably define a street as a thorofare for use by the public, of sufficient width to provide for traffic with safety, provided with parkings well maintained and sufficiently liberal to accommodate comfortably such utilities as it may be necessary to locate there; well lighted and properly designated by signs, and the whole laid out with an end to the greatest serviceability consistent with beauty, comfort and sanitation.

City planning is a live subject at this time and vitally concerns streets, but in the time available it can be discussed only briefly; and it is the writer's intention to give more time to streets as they exist, or as we find them, rather than to the layout of new ones.

The idea is inclined to be popular that city planning movements have for their sole object the beautifying of city streets rather than increasing their serviceability. The real purpose, of course, contemplates a well balanced scheme in-

volving features of sanitation, comfort and aesthetic effect, and therefore requires skilled specialists of broad mind and vision for its production. Convenience, prettier vistas, opportunities for recreation, better health and purer air to breathe, are all sought after; but these require, first of all, more spacious streets, necessitating the utilization of greater areas for the accommodation of a given population. This, furthermore, requires more time to go to and from business, which, although it compels a certain amount of recreation, is very often considered a waste of time in our present day business rush. It seems to be an intervention of the irony of fate for human beings in the habit of going one block to an antiquated, rented Post Office, for instance, to complain loudly when compelled to get out of the old beaten rut and go *two* blocks to a modern building costing thousands of dollars built by their Uncle Sam for their express comfort and convenience!

It must be by gradual education of the public that City Planning shall become popular. Until the people see more clearly the ultimate result, in small cities at least, little can be hoped for in the way of changing the plans of streets in the built-up or established parts of our cities. New additions, however, can be controlled to a considerable extent, and should be acquired and accepted only after serious and thoughtful study of the problems involved in their layout, and the consistency with which they connect up with the additions to which they are adjacent. Dimensions, grades and alinement of streets, size and shape of lots, location of sidewalks, street naming and house numbering, tree planting, gas, sewer, and water mains, electric light and telephone poles or conduits—all these must be given consideration with regard to mutual harmony, design and quality of work done, to insure the minimum cost of repairs, maintenance and future improvements or extensions, as well as to give adequate present service.

Too often a new addition which has been laid out by a promoter largely, if not wholly, as a money making propo-

sition is accepted by the city in a half completed condition to obtain the advantage of additional tax revenue as soon as possible. The city then repents at leisure after it finds that all the revenue and perhaps more, is consumed in finishing and maintaining the work that was left undone by the promoter.

Contracts were let for the sewers, sidewalks, etc., to the lowest bidder, and the work done with little or no experienced supervision or inspection. Sewers were laid shallow and with improper grade and with little attention to proper design, and with no regard to future requirements. Future changes and extensions are costly and less efficient than if they had been a part of an original, sufficiently comprehensive plan.

Sewers have been found laid with grades adverse to the normal slope of the ground and with no reason for it other than ignorance or failure to employ an engineer. Storm and sanitary sewers may conflict with each other and with gas, water and other pipes. Instances could be cited where five inch sanitary laterals have actually been constructed transversely through 8-inch storm sewers and not discovered until the contractor and promoter were well out of reach, and the city was left to solve a perplexing and costly engineering problem. It has been held by the courts in some states that a contractor can not be legally compelled to maintain a contract job in repair after the work has been completed and accepted. It, therefore, behooves the city or parties interested to see that the work has been inspected before it is accepted.

Many of our cities now have ordinances relating to the laying out and acceptance of streets, some extending this control 3 to 5 miles outside of the corporation lines, thus anticipating the development of the city for many years to come.

If the addition has been put in shape for acceptance, under city inspection or approval, then the additional general tax revenue may be a considerable item of profit to the city, for probably several years would elapse before it would be necessary to spend as much for maintenance and repairs as in the older parts of the city where traffic is heavy and general depreciation more rapid. For example, a tract containing 160 acres might be laid out into, say, 726 lots, 60 feet by 120 feet, and 5 miles of 66 feet streets. The taxes at \$5.00 per lot would provide \$3,630 per year, while the expenditures per year should not exceed \$200 to \$300 per mile for grading, cutting weeds, caring for drainage, etc., on unpaved streets, and perhaps not to exceed \$400 to \$500 per mile if the streets were paved.

Provision should be made for locating and installing sewers and drains long before pavements are laid, if possible, so that the back fill will have settled permanently and no depressions will appear after the streets are paved. Spacious parkings will often provide for these necessities and to a large extent insure undisturbed pavements.

On residence streets 60 to 66 feet wide, where there is no car line, a width of 22 to 24 feet should be ample for a pavement. This width permits of parkings 12 to 15 feet wide and sufficient space for three vehicles side by side; but, of course, does not permit vehicles to turn around easily. The intersection of streets, however, provides turning space and is never more than half a block distant from the center of the block. There is little justification for adding a yard or more in width simply to make turning around easy when it would result in an additional burden of 10 to 15 per cent. in first cost, for the whole length of street, and a like increase in the cost of maintenance and repair. An additional yard not only takes that much from the parkings, thereby detracting from their beauty, but in 15 miles of pavement increases

the first cost by \$50,000 and the cost of maintenance several hundred dollars per year.

The smaller cities are probably laid out more irregularly than larger ones, and additions are much smaller in area. There is not as great a demand for lots, for fewer are needed. Capitalists are of smaller financial calibre, or take up projects individually rather than as syndicates, and, having a smaller basis for profits, can afford to do relatively less in the way of making improvements. In Illinois where our lands are subdivided by the U. S. co-ordinate system into sections, quarters, quarter-quarters, etc., additions usually come into the city as 20- or 40- or 80-acre tracts. These tracts are seldom, if ever, square or rectangular, and the resulting discrepancies are often thrown into the streets making jogs at intersections. Jogs are inherently objectionable, but small ones, if properly treated, through tree planning or landscaping and suitable location of sidewalks and pavements, will seldom be noticed. A greater objection than their unsightliness, though not a serious one, is the possibility of their confusing property lines. Most people think of lots and blocks as being perfectly square at the corners, and straight lines as continuous lines, and if monuments are not established, the inclination of these people is to interpret this conception as actual conditions, and property lines are consequently lost. This suggests that all new additions should be properly monumented at least at street intersections before being accepted by the city.

The sizes of lots and blocks are usually determined by the owner of the addition so as to give the greatest number of what he considers valuable lots; and we find in our cities lots of every conceivable size, streets of varying widths, and blocks ranging from a few hundred to 1000 feet in length, some with and some without alleys, some with sidewalks on the property line, others with them next to the curb, etc., etc. The layout is similar to the old time crazy patchwork quilt with one patch at a time added where it can be made to fit.



Varying lengths of blocks have destroyed house numbering systems time and again until, to a stranger entering the city, a number means little to him until he actually sees it on the house. There are a few principles in this connection which should be borne in mind. An ideal house numbering scheme should be suggestive, and where rectangular subdivision prevails should involve the following elements.

1. Numbers should be of as few digits as possible.
2. Numbers should be continuous in one direction, avoiding prefixes N., S., E., W.
3. Numbers should be odd on one side of the street, even on the other.
4. Numbers in any one block should be within the same hundred.
5. Numbers containing fractions should be avoided.
6. The blocks containing numbers within the same hundred should be in straight lines, and parallel, as far as possible.

Legible names of streets, signs, and systematically numbered houses are a distinct asset to a city in making it attractive, and also in serving as a directory to residents, transients, visitors, mail carriers, messenger boys, transfer and baggage men, and delivery men, alike.

Selection and location of trees should be more carefully controlled. The writer is in full sympathy with landscape gardening and city planning, but nevertheless believes that if a person really enjoys a star or crescent full of red geraniums in his front yard, we haven't much right to laugh at his taste; but rather inform him of the tendencies in modern landscape gardening.. There are, however, people who adore poplar trees and willows and set them out in abundance along our sidewalks and street lines. No objection is

made to their love for the trees, but emphatic protest is registered against their planting such on account of the damage and expense caused by them. They seem to delight in sending out roots along the surface that will heave and crack our sidewalks, and in sending others down to explore our sewers for opportunities to enter. Once they find an entrance, they expand into masses of hairlike roots which eventually clog the passage. Larger roots as great as 15 to 18 feet long and three-quarters of an inch to one inch in diameter have been found in sewers where entrance was gained through a crevice not over a quarter-inch in width. Elms also seek moisture diligently and are frequently as troublesome as the poplars, but their unusual and recognized beauty justifies their planting. The answer to this tree problem may be to make our sewers absolutely tight at the joints, and proof against cracking due to settlement. All trees probably possess these habits objectionable from the Street Superintendents' view point, to a certain extent, but the ones named come under observation most frequently and little justification can be seen for the planting of poplars or any other tree which has not sufficient attractiveness to offset the damage they are likely to cause.

Trees are too often planted promiscuously, without thought of their objectionable roots, their size, strength, or qualities as shade trees. When once started and of considerable size it is not an easy thing to have them removed however objectionable to the public, chiefly on account of the love of the owner for them.

Tree trimming is another source of no little trouble and expense. The purpose and beauty of trees are both enhanced by proper trimming which not only affords better views, but permits more efficient lighting of streets and eliminates the discomfort of traveling under low-hanging branches. This work should, of course, be done, not by tree butchers, but by experienced and intelligent workmen; but

when properly performed the expense is considerable. A city like our own, for instance, has miles of streets with trees on both sides—a single line of perhaps 75 miles. Such expenses are usually thought of in the abstract rather than the concrete by taxpayers, and probably the magnitude of the job is never comprehended.

Much might be said concerning the design and construction of pavements, the best and most economical types, the cost, etc., but such discussion is lengthy and technical and will not be considered further than to give briefly some of the factors affecting the durability or life of pavements.

The actual cost of construction is familiar to most city officials. The comparative economy of various types, however, depends upon a multitude of imperfectly observed and imperfectly recorded conditions so that unfortunately such information is too meager and unreliable to give us much satisfaction.

The actual life of our pavements is a quantity about as uncertain as the former item, and concerning which we again have a deplorably meager amount of exact information; and adequate comparisons are therefore impossible.

Although we have had streets paved with certain kind of materials and have had certain types of construction for many years, we have at present many of the more modern and supposedly more lasting kinds just about worn out and ready to be replaced. That is, we are reaching the end of the first generation of the newer type of pavements and should now obtain some information as to their durability, desirability and economy. I find, however, that our city records throughout the country are very deficient in this respect and it is a difficult, if not an impossible, undertaking to get scientific data or observations that will help us in choosing the best kinds of new pavements. We say that

this is the best pavement because it is least noisy, or dusty, or slippery, etc., but after all it is the actual cost that determines the choice with the foregoing qualities as desirable incidentals. We still have sand filler brick pavements constructed on streets of heavy traffic for no other reason than the saving of a few cents per square yard on first cost. Something on durability, cost of repairs and maintenance ought to be more readily available than it now is. Conditions and kind and volume of traffic are continually changing, so that unless constant observations are made and records kept, we have no reliable basis upon which to judge the economy of the various types.

We use our streets till they are worn out, with little thought as to how we may preserve them or lengthen their period of usefulness. It would seem that cities could well afford to appropriate money for collecting data along such an important line of our city problems. Even in small cities like Urbana, we have \$250,000 worth of pavements on our streets—an investment that should justify more scientific consideration.

The most important items which enter into the life of a pavement are given, but with little attempt to discuss them:

1. Designs of cross-section are vital. Whether pavements are made of one, two, or three courses of materials, the amount of crown, the width, the wearing surface, the foundation and provision for proper drainage, all these, must be considered.

2. The materials of construction are obviously important factors in the durability of the pavement.

3. Workmanship must not be overlooked. The design and materials may be perfect, but if the assembling of these materials and the execution is carelessly or ignorantly done, worse results may be obtained than with poor materials and

good workmanship. Competent inspection is essential. This matter has been considered of sufficient importance to warrant the municipal associations of the country in getting up specifications or requirements with the view of holding contractors to maintain and repair their work for a time, at least sufficient to test out the workmanship. Some states, however, have decided that this cannot be legally done and that if a city accepts a job as *completed*, the contractor can no longer be held responsible.

4. The slope or grade of streets affects the life of a pavement materially. The grade resistance alone requires more tractive effort to pull a given load. Furthermore, on a sloping surface, the motor, particularly a horse, has less effect or "purchase" upon the load for a given amount of effort, that is, the motor is less efficient, more activity being required on the pavement to keep the load moving. There is also greater recoil or "back-action" on the pavement surface in the effort to move the vehicle and its load up hill. In hilly country, for heavy load traffic, especially that of auto trucks which travel at relatively high speed, the scientific or economic establishment of grades with reference to tonnage rating, momentum, etc., could be given attention with profit.

5. The kind of traffic whether light loads, heavy loads, vehicles used, kind of power, etc., is of course of great importance, as is also the *amount* of traffic. In general, the wear upon a pavement varies directly with the amount of traffic, and this can be determined with a considerable degree of accuracy by keeping a record or traffic census—a comparatively inexpensive matter. The census should include type of pavement, the kind as well as the amount of traffic, the weather records, the traffic for different hours of the day, week, month and year. It need not be continuous, but should be representative, and should be kept up year after year or as long as the pavement lasts. We hear argu-

ments like this: "The pavement of Woodland Ave. has lasted 30 years, while that on Grand Ave. is wearing out before it is 10 years old, therefore Woodland Ave. is the better of the two and far superior to newer types of construction." But, how about increase in traffic during the past few years? It has increased on some streets as the square or cube of the time elapsed, which would mean that during the last five years Grand Ave. has withstood almost as much traffic as Woodland did in its 30 years, and of a severer kind. But without definite data on all conditions involved, we cannot argue convincingly; we can only generalize, and that hasn't much weight with the taxpayer.

6. Vigilance, activity and intelligence in maintaining and repairing pavements are paramount necessities. Maintenance should begin the day after construction is completed. If one brick crumbles, or concrete ravel, or asphalt peels, and a rut begins to form, economy would dictate that the repair should be made without delay, and the repair work should be of a quality equal to the original. A patch merely plastered upon a new pavement is usually worse than nothing and either comes off at an early date or makes a hump each side of which a greater rut than the original one will form.

Eternal vigilance and inspection with resulting proper maintenance are prerequisites for long life. Unfortunately we are unable to furnish the prerequisites in sufficient quantity.

Ruts and bad street surfaces arise not alone from defective materials or by accident. They as often result from opening mains, sewers, conduits, etc. The work incident to tearing up and replacing pavements will probably be paid for by the company owning the utility, but that does not restore the pavement to its original condition. Even expert engineers have been heard to declare that trenches could be refilled so that they would not settle and that the pavement

would show no signs of the repairs. The writer does not challenge these men in their statements that it *can* be done, but knows that in nine jobs out of ten it *is not* done and believes that the surest prevention is the elimination as far as possible of the necessity for tearing up pavements.

Digging trenches through and under our paved streets at times seems almost the result of habit. It is a most serious thing and should be discouraged in every possible way by sentiment and by suitable laws. But Illinois streets are not the only ones to suffer in this manner. An instance has been reported in a certain city of another state where a public service corporation in six months made 75 holes in half a mile, locating leaks in gas mains and, incidentally, could not be compelled to overhaul the system before a new pavement was placed. It was more economical for the company to wait for the trouble to occur and make repairs one at a time.

Many of our cities have their streets torn up constantly for years before all the services are placed, which is not only bad for the street but discourages the property owners from keeping their lawns and parkings in attractive condition. About the time everything seems to have been "put in" we find that it is time to begin repairs and renewals—the sewers and conduits are outgrown—no account having been taken in the beginning of the difference in cost between an adequate size and the renewal of the one inadequate. Private companies have been known to relay their mains within a year simply because they had used poor judgment, or no judgment at all, in the first installation. The parkings and shrubs destroyed could be paid for, and street surfaces could be relaid, but the money paid in damages could not restore the original quality of the pavement or restore a year's life to the plants.

The writer is not trying to advertise the short comings of his own city, but believes it to be fairly representative of

other small cities, and will say that eight to ten per cent. of the time of the street gang is spent in following up repair jobs where the pavement has been *torn up*—not normally worn out by traffic.

For the *actual service* they give the people, our streets receive in return the smallest appropriation for maintenance. Again, there are no definite available data on this point, but it is safe to say that we do not spend enough money on their upkeep. We clean and sprinkle and do other things to them largely for comfort and sanitation, but not enough of the work that should be done to keep their surfaces intact and make them last longer. The Street money received from the general fund, raised from general taxation, goes for such a multitude of purposes other than street maintenance that the bag is pretty well emptied before street maintenance gets its hand in. An estimate of the cost of proper maintenance of pavements would depend upon all of the items previously mentioned as affecting its length of life, and is again difficult to obtain for lack of reliable records. It is possible, however, to give some idea of what is *actually* spent on our city streets. In the smaller cities the mount will run about 15 to 16 per cent. of general tax revenue, or about 17 to 20 per cent. if we include sewers and drainage. In a number of these cities nearly all of the revenue comes from this source. In Urbana about 97 per cent. of the revenue comes from general taxation.

The revenue appropriated to the Street Department does not all go for the maintenance of pavements, however. Here are some of the chief items among which it is divided:

Grading and draining unpaved streets.

Cutting weeds.

Trimming trees.

Cleaning sewers, septic tank and drains.



Cleaning catchbasins, manholes and flushtanks.  
Building and repairing culverts on unpaved streets.  
Repairing bridges.  
Raising and repairing sidewalks.  
Constructing sidewalk intersections.  
Removing snow from walks.  
Sprinkling streets.  
Sweeping and cleaning street pavements.

Let us consider the last item, which is usually the largest single item, consuming about one-third of the total Street and Alley appropriation, and analyze the cost. The average amount of taxes paid per taxpayer is about \$21, but we will take a well-to-do resident on a paved street who owns a lot valued at \$1000 and a house upon it valued at \$3500—a total value of \$4500. The assessor's "full value" on this will be not to exceed  $\frac{2}{3}$  of \$4500, say, \$3000, and the "assessed valuation" will be  $\frac{1}{3}$  of this or \$1000. The rate for general city expenses will probably be the *legal maximum* of 1.2 per cent., which means that \$12 of this man's taxes will go toward the general running expenses of the city. The Street and Alley appropriation will be about 16 per cent. of \$12 or \$1.92, incidentally about the cost of one square yard of pavement. Of this amount about  $\frac{1}{3}$ , or only 64 cents, goes for cleaning the streets. The money *expended* on cleaning 16 miles of pavement averaging 26 feet in width is about \$2300, or approximately 0.94 of a cent per square yard. Sixty-four cents will therefore clean, or rather is spent upon, 68 sq. yds. of pavement. This area would occupy one-half of the width of the pavement for a distance of 47 feet—about 80 per cent. of the width of the taxpayer's lot. The average taxpayer would clean only about 15 lineal feet of half width of pavement. Incidentally, this well-to-do citizen pays 17 cents toward the mayor's salary.

These figures may not be convincing, but they are at least impressive to one who is accustomed to give only a

passing thought to the disbursement of his money. Other items of expense could be analyzed similarly to show how diverse, yet how necessary they are, and how inadequate is the revenue with which we must meet them.

Few of our citizens know many facts about the city in which they live. They have little idea of the many miles or acres of streets that must be traversed by the street gang, or the miles and miles of sidewalks, and sewers, and the hundreds of catchbasins, flush tanks, and manholes that must be kept in order. From 20 to 30 per cent. of the total area of the city is occupied by streets, which in our own city of about 10,000 inhabitants amounts to approximately 280 acres—a pretty respectable sized Illinois prairie farm—all of which must be patrolled and kept in condition by the Street Superintendent and his men.

Our problem is largely one of showing the people that they are getting value received for their money. It is not difficult to get funds for a worthy purpose when the party solicited is properly informed and can be shown the benefits to be derived, particularly if the money can be solicited through some other channel than taxation or assessment. These words send a thrill of horror through most of our people. They feel, too, that general taxation should cover every possible item of expense, and are usually working in a direction opposite to that of the city official with respect to raising funds. But our desires always tend to keep just a little ahead of our financial possibilities, which I think is a mark of progress, and it requires care and frugality on the part of city officials to draw the line between justifiable expenditures, and extravagance. People ask for things which they sincerely do not expect and have no right to expect. Proper and sufficient information will help to make our work as city officials more enjoyable and more efficient, and not only instill confidence and bring co-operation, but will en-

courage helpful suggestions from many who have hitherto had little to do with civic affairs. The normal, or perhaps better, the average citizen takes only passing notice of the conduct of municipal affairs and feels that the city is a cold institution remote from his individual or personal interests, and concerns him most only at tax-paying time.

Our cities are neglectful it seems in getting out reports and publishing the cost of doing city work, and the methods used in handling city affairs. Few have published reports of council proceedings and fewer still have copies of their ordinances which are available to the people in general. The writer would be glad, indeed, to see greater activity along these lines of publicity in municipal affairs. But what it seems is even more essential, at least from a scientific or technical standpoint, is the keeping of careful and accurate records on street work such as traffic conditions, cost of maintenance, rate of deterioration, etc., so that in years to come we will not have to guess at the relative economy of various kinds of roadway materials and types of construction, but will have exact knowledge of the kind of which we are now so much in need.

## CITY PLANNING AND THE COURTS

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The American municipality no longer wistfully regards the city plan as a Utopian vision. It is coming to be viewed less and less as an expensive and unproductive luxury. We look at it today as a part of the city's necessary and legitimate business. The very numerous and practical problems which it presents are being studied not only by engineers and landscape architects, but by economists, sociologists, public administrators and constitutional lawyers. At the present time, in fact, one of the most immediately necessary duties which confronts an ambitious city is to study the legal aspects of the city plan and learn what the law allows and what it forbids. For what shall it profit a city to invest money and skill in perfecting a model plan and find itself abruptly confronted by the stone wall of an inelastic constitutional clause or an adverse court decision?

The chief difficulties in the way of making a systematic and clean-cut and final summary of the law of city planning lie in the fact that that law is itself neither systematic nor clean-cut, nor final. It has been wrought out piecemeal as, during a long period of experimenting, isolated fragments of the city planning program have come before the courts. We may know what power a municipality has in regard to billboards in Illinois, or residence districts in California, or the height of buildings in Massachusetts, or excess condemnation in Pennsylvania. But this is very far from knowing what power the American city has to formulate and carry out a comprehensive plan. Many of the cases stand in direct conflict with each other and what the courts of one state

permit the courts of another state may forbid. On the other hand, the law of city planning does not remain static. Our judges are taking an ever broader view of the social needs of the community. Without doubt planning powers which the city enjoys today would have been denied twenty or even ten years ago, just as many powers which are today withheld will in all probability be commonplace resources of the American city of 1935.

This paper attempts to present a sort of birdseye view of the present legal status of the city planning movement. An eminent city planner has declared that city planning is "not the attempt to pull down your city and rebuild it at ruinous expense. It is merely deciding what you would like to have done when you have a chance, so that when that chance does come, little by little you can make the city plan conform to your ideals." Upon the strength of this estimate of the scope of city planning many problems will be discussed which seem relatively unimportant. These lesser matters, however, the city planner cannot afford to neglect unless he is willing to have the beauty of his parks and boulevards destroyed by telegraph poles and billboards. This analysis of city planning law may be conveniently arranged under four headings according to the character of the legal power which the city attempts to employ. First, are those powers which the city exercises over property which it owns or which it can control through the granting of franchises; second is the general police power of the city; third, the power of condemning easements; and finally, the power of excess condemnation of land.

#### I.

The first group of powers which the city may exercise in planning are powers over the property which belongs to the city itself, or property, the use of which, the city can control by the terms of the franchises it grants to public service companies. More opportunity to beautify itself is offered to the city in this way than is commonly supposed.

To begin with the American municipality has absolute discretion in the matter of the location of its highways, buildings, and public places. In 1847, a justice of the United States Supreme Court declared that there was no precedent or argument to justify the taking of land by eminent domain for the site of a courthouse, hospital or jail "since no necessity seems to exist which is sufficient to justify so strong a measure. A particular locality as to a few rods in respect to their site is usually of no consequence."<sup>1</sup> In other words it does not make a great deal of difference just where a public building stands. That opinion has never become law. The power of the American city to put streets, boulevards, parks, and public buildings exactly where they belong in a well conceived city plan has never been limited by anything but municipal poverty and municipal bad taste. Our cities are paying out enormous sums each year to correct the hideous results of the blundering and indifference of former generations. Much of that bad planning will never be corrected because of the expense involved. It should be borne in mind, however, that the creating of the stately civic centres planned for Cleveland, Chicago, or St. Louis need call for the exercise of no legal power not possessed by every city and village in the country.

This control by the city over the location of its streets is, however, frequently not so easy to exercise. The street plans of the newer sections of the city are often laid out by the real estate broker or promoter who owns the land. Commercial rather than esthetic considerations control the arrangement of these allotments and the demands of a well ordered plan for the entire city may be wantonly ignored. Some cities are making efforts to induce the owners of such allotments to submit their street lay-out to the planning authorities of the city for approval. The refusal to

<sup>1</sup>Woodbury, J. in *West River Bridge Co. v Dix*, 6 How. 507, at page 545.

make public record of any plan of proposed streets and lots which have not been thus approved by the city or the refusal to accept an unapproved street as a public highway frequently, though not always, secure the cooperation desired.<sup>2</sup> Laws have also been passed by which a person who builds his house within the lines of a street which appears on the *official* plan of the city will receive no compensation when the actual opening of the proposed street requires the removal of the building. While such a statute has been held constitutional in Pennsylvania,<sup>3</sup> in every other jurisdiction where the point has arisen the courts have held this to be invalid as a taking of private property without compensation.<sup>4</sup> As the powers of municipal planning commissions continue to expand it is not unlikely that some effective scheme of compelling property owners to conform to an official plan will be devised. Until that time, the city will need to content itself with the indirect methods already noted, always reserving, however, the untrammelled right to carry out its own plan if it can afford to do so by the exercise of the right of eminent domain. In addition to this control over the location of its property the city has also the absolute right to prevent the disfigurement of that property or any use of it which would defeat the purpose to which it is dedicated. Every form of advertising can be banished from public buildings, parks, and highways.<sup>5</sup> As a result of the effort of the National Highways Protective Society, New York and Rhode Island have recently passed laws making it a misdemeanor for any one to print or cause to be

<sup>2</sup>Shurtleff, Carrying out the City Plan, page 169 ff.

<sup>3</sup>In re District of Pittsburgh, 2 W. and S. 320, 1841. Forbes St., 70 Pa. St. 125, 1871. Bush v McKeesport, 166 Pa. St. 1895.

<sup>4</sup>Forster v Scott, 136 N. Y. 577, 1893. Edwards v Bruorton, 184 Mass. 529, 1903.

<sup>5</sup>For numerous cases establishing this point see "Legal Aspects of Municipal Aesthetics". R. A. Edgar, 18 Case and Comment, 360, (1911); also 21 L. R. A. (N. S.) 735.

posted any business or commercial advertisement on trees, fences, buildings, or other objects along any public highway or upon the property of another without the written consent of the owner. The city of Tacoma has recently undertaken a similar campaign against advertising in public places.

A somewhat analogous power is that which the city exercises in excluding business traffic from its parks, parkways and boulevards. It can convert a business street into a pleasure drive without being held to invade the property rights of those who used the street.<sup>6</sup> It was by virtue of this power to regulate public highways and their use that, in the case of *Fifth Avenue Coach Company v. the City of New York*,<sup>7</sup> the city was able to prevent huge vans advertising Bull Durham tobacco from passing up and down Fifth Avenue.

The city may also exercise some control in the interests of civic beauty by inserting conditions into the franchises which it grants to public service companies. The appearance of cars, the condition of tracks and crossings, the character of street lights, the kind of poles erected, or the conduiting of all overhead wires are matters which the city may control in this way. The law protects the holder of a franchise once granted from an arbitrary enlargement of the obligations and duties therein required. But the doctrine that the city may not contract away its police power has been successfully invoked to allow a city to require wires to be put underground in the absence of any such stipulation in the original franchise.<sup>8</sup> On the whole it is safe to say that

<sup>6</sup>*Cicero Lumber Co. v Cicero*, 176 Ill. 9, 1898. *Brodline v. Inhabitants of Revere*, 66 N. E. 607, 182 Mass. 598, 1903. *Guttery v Glenn*, 201 Ill. 275, 1903.

<sup>7</sup>194 N. Y. 19, 1909.

<sup>8</sup>*Dillon, Municipal Corporations*, Section 1274 and cases cited. Such a requirement is, of course, sustained as a protection to public safety.



much municipal ugliness would disappear if the American municipality would employ all its powers over the property which it owns, or which it can control through its franchise granting power.

## II.

The city planning powers thus far discussed have been powers which the city could exercise without interfering with the private rights of the individual citizen. This is not the case with the police power. The state, and the city as the agent of the state, has the power to pass laws to protect the health, morals, safety, convenience, and comfort of the community. In so doing it may restrict the activities of the individual and the ways in which he may use his property. This it may do without the payment of compensation, for no man has a legal right to use his own property in such a way as to injure others. Can the police power, thus defined, be used as a city planning implement? This is not an easy question to answer and least of all can it be fully and accurately answered by declaring that it is established law in the United States that the police power cannot be used directly for esthetic purposes, and that ugliness cannot be abated as a public nuisance. American municipalities have from time to time attempted to employ their police powers in the protection of civic beauty and four of these attempts are perhaps worthy of brief consideration."

In the first place efforts have been made to preserve the beauty of parks and boulevards by restricting the uses to which the adjoining property may be put. If the city can create a park or boulevard and prevent it, as we have already seen, from being misused or disfigured, can it also, through the exercise of its police power, prevent its being bordered by an unsightly fringe of shanties and billboards? This was the problem presented to the court by the Illinois

"Freund, Police Power, Section 180-182.

Statute of 1909, forbidding under penalty and without compensation, the erection and maintenance in cities of 100,000 or more of any structure for advertising purposes within 500 feet of a public park or boulevard. The ordinance was promptly invalidated on the ground that it called for the exercise of the police power for a purely esthetic purpose.<sup>10</sup> The court waxes eloquent in its disapproval of this invasion of private rights. "The citizen has always been supposed to be free to determine the style of architecture of his house, the color of paint he puts thereon, the number and character of trees he will plant, the style and quality of clothes that he and his family will wear, and it has never been thought that the legislature could invade private rights so far as to prescribe the course to be pursued in this and other like matters, although the highly cultured may find on every street of every town and city many things that are not only open to criticism but shocking to the esthetic taste. The courts of this country have, with great unanimity, held that the police power cannot interfere with private rights for purely esthetic purposes." A seaside town in Mississippi sought to protect the view from the beautiful drive which skirted the waters of the bay by forbidding the erecting between the drive and the water's edge, of huts, tents, or shanties. The state supreme court declared such a regulation to be unconstitutional.<sup>11</sup> There seems, in fact, to be no exception to the rule of law that the city cannot employ its police power to protect a park or public place by controlling the uses to which the adjoining property may be put.<sup>12</sup>

A second application of the police power to city planning is seen in the efforts of some cities to establish building

<sup>10</sup>The *Haller Sign Works v The Physical Culture Training School*, 249 Ill. 436, (1911.)

<sup>11</sup>*Quintini v Bay St. Louis*, 64 Miss. 483 (1886.)

<sup>12</sup>See also *People v Greene*, 83 N. Y. Supp. 460 (1903), invalidating Greater New York Charter Law of 1897 forbidding the billboard nuisance in the vicinity of parks.

lines. The object of this legislation has been, of course, to abolish in residence districts the objectionable practice of erecting buildings close to the street line. A Missouri statute permitting the City of St. Louis to forbid the placing of buildings within forty feet of the street line in certain sections of the city was held to be illegal as a taking of private property without compensation.<sup>13</sup> An ordinance in Richmond, Virginia, fixed a building line which could be ignored only upon the consent of two-thirds of the property owners in the block. The United States Supreme Court decision which declared this ordinance to be unconstitutional seemed to rest upon the ground that the enforcement of such a police regulation could not be made thus conditional upon the consent of the property owners.<sup>14</sup> Acting upon this view the City of Richmond has passed another ordinance permitting the establishment of building lines in the discretion of the city council, in particular districts and along particular streets.<sup>15</sup> This ordinance has not as yet come before the court, but there is little question but that the doctrine of the Missouri case would be followed by most state courts and any power to establish building lines without paying for the property rights thus taken would be denied.

There is a type of regulation which American municipalities occasionally enact by virtue of their police power which is perhaps more common, certainly more sweeping in character, than the two already discussed. This is the creation of exclusive residence and industrial districts or zones. The idea back of these ordinances is, of course, that factories, grocery stores, or commercial or industrial establishments of any kind, do not belong in the residence portions of the city. They mar the beauty of their surroundings, de-

<sup>13</sup>St. Louis v Hill, 116 Mo. 527 (1893.)

<sup>14</sup>Eubank v City of Richmond, 226 U. S. 137 (1912), reversing 110 Va. 749, (1910.)

<sup>15</sup>Ordinance of April 22, 1913.

preciate property values, and in one way or another constitute public nuisances which ought to be prohibited by law. Legislation of this kind is to be found in eight or ten of our states, and there are numerous cases in which its validity has been tested.<sup>16</sup> The courts have almost unanimously held that certain kinds of business when carried on in a residence district do, in fact, constitute public nuisances and may be prohibited or driven out. Thus a business may be forbidden which might prejudice the good order or morals of the community, such as a saloon or gambling house; a business which spreads abroad noisome odors or injurious gases, as a livery stable, a rendering plant or a chemical works; one which produces a violent noise, as a boiler factory or planing mill; or an establishment which increases the fire danger such as a lumber yard or hay barn. But, can a business, innocent and legitimate in itself, and unoffending in any of the above respects be excluded from a residence district merely because it is an eyesore and impairs the attractiveness of the portion of the city in which it is located. The writer of an agricultural text-book has defined a weed plant which is not wanted. Can we extend the meaning of the term nuisance in the same way and call a building or a business a nuisance because it is not appropriate to its surroundings, because it destroys the homogeneity of the district in which it stands, because, in short, the owners of the residences round about it would very much prefer to have it removed? Suffice is to say the courts have not looked with favor upon any such doctrine of public nuisance. Ordinances establishing exclusive residential zones have been held invalid wherever an attempt has been made to enforce

<sup>16</sup>See Shurtleff, "Carrying Out the City Plan", pp 154-158; "Protecting Residential Districts" by Lawrence Veiller, Proceedings of Sixth National Conference on City Planning. Report of the Heights of Buildings Commission to the Committee on the Height, Size and Arrangement of buildings of the Board of Estimate and Apportionment of the City of New York, Chapter IV, 1913.

them against business establishments which were not, in the judgment of the court, prejudicial to the public health, safety, or physical comfort. Such was the recent ruling of the Supreme Court of Illinois, for example, in regard to a Chicago ordinance outlawing an ice plant in certain districts,<sup>17</sup> while the same court, in a decision handed down in June of this year, refused to allow the village of Oak Park to exclude a milk depot from its residence area.<sup>18</sup> A very interesting case bearing up this point is that of *The Thomas Cusack Company v. The City of Chicago*, decided in April, 1915.<sup>19</sup> The Chicago ordinance which was attacked by the plaintiff made it unlawful to construct billboards in any block in which one-half of the buildings on both sides of the street are used exclusively for residence purposes, without first obtaining the written consent of the owners of a majority of the frontage of the block on both sides of the street. In defending its ordinance, the city very wisely remained silent as to the unsightly character of the billboards and rested its case entirely upon the fact that billboards offer protection for disorderly conduct and crime, and imperil the public health and safety by permitting the accumulation behind them of refuse and combustible material. The court looked with favor upon this argument. Billboards in residence districts are, by reason of poorer police and fire protection, more dangerous to public welfare and safety than in the business sections. The system of frontage consent was declared, furthermore, to be a reasonable method of en-

<sup>17</sup>*People ex rel Lincoln Ice Co. v City of Chicago*, 260 Ill. 150 (1913.)

<sup>18</sup>*People ex rel Huntley Dairy Co. v. Village of Oak Park*, 268 Ill. 256 (1915.) See also *People ex rel Friend v City of Chicago*, 261 Ill. 16 (1913), prohibiting the exclusion of retail stores from residence district unless consent of two-thirds of frontage owners of block is obtained. But also see *People ex rel C. L. Keller v Village of Oak Park*, 266 Ill. 365 (1915), permitting the exclusion of a garage under similar circumstances.

<sup>19</sup>267 Ill. 344.

forcing the regulation. The fact that the billboards were not condemned because they were ugly does not in the least alter the fact that one city at least has found a legal method, even though an indirect one, of excluding them from its residence districts. The doctrine of law remains unchanged, however, that a building or a business cannot be outlawed from the residence section of a city simply because it mars the beauty of the surrounding neighborhood.

The decision last mentioned suggests the fourth purpose for which American cities have sought to use their police powers for the preservation of civic beauty, namely, the prohibition or regulation of billboards. We have seen that a billboard may be forbidden as a nuisance because of its location in a residence district. The courts have also sustained many stringent regulations in the interest of public safety upon the method of constructing billboards. The material of which they are made, their height, their distance from the street, a requirement of open spaces beneath them, are all matters subject to reasonable municipal regulation.<sup>20</sup> Although there seems to be no case in point there is a general belief that glaringly lighted signs might be forbidden as a harmful interference with rest and sleep. But as long as the bounds of decency are not over-stepped the character of the advertising which is placed upon a bill-board is not subject to police regulation, nor may the structure itself be outlawed because of its unsightly character. Any public control over billboards must relate directly to the physical comfort, health, or safety of the community, and the courts have been on the alert to detect and condemn those legal subterfuges by which, under the guise of safety regulations, attempts are made to rid the city of this form of ugliness.<sup>21</sup> "Would any structure, of any description," ironically in-

<sup>20</sup>See Dillon, *Municipal Corporations*, Sec. 697 and notes. McQuillan *Municipal Corporations*, Sec. 939 and notes.

<sup>21</sup>See Dillon, McQuillan above cit.

quires the New York Court of Appeals, "be more dangerous if it bore the words "Omega Oil"?<sup>22</sup> And in that query is reflected the attitude of every American court.

At the present time the status of the city's power to attain its planning ideals by means of police regulations may be accurately summarized in the words of the New Jersey Supreme Court, "No case has been cited, nor are we aware of any case, which holds that a man may be deprived of his property because his tastes are not those of his neighbors. Esthetic considerations are a matter of luxury and indulgence rather than of necessity, and it is necessity alone which justifies the exercise of the police power to take private property without compensation..<sup>23</sup> It would not, however, be safe to say that this doctrine of law has been finally established for all time. It is the essence of the police power that it is flexible. It may move slowly, but it does ultimately expand to meet changing needs. A dozen years ago Professor Freund declared that "it is conceded that the police power is adequate to restrain offensive noises and odors. A similar protection to the eye, it is conceived, would not establish a new principle, but carry a recognized principle to further applications. In the matter of offensiveness, the line between a constitutional and an unconstitutional exercise of the police power must necessarily be determined by matters of degree."<sup>24</sup> It is not improbable that the American city will gradually come to exercise through the police power some measure of control over the grosser forms of ugliness.<sup>25</sup>

<sup>22</sup>People *ex rel* Wineburgh v Murphy, 195 N. Y. 126 (1909.)

<sup>23</sup>Passaic v Paterson Bill Posting, Advertising & Sign Painting Company, 72 N. J. L. 285 (1905.)

<sup>24</sup>Freund, Police Power, p. 166.

<sup>25</sup>Cities are beginning to exercise their police powers to limit the height of buildings. A common method of control is by height districts. In Welch v Swasey, 198 Mass. 364 (1907), affirmed in 214 U. S. 91 (1909), and in Cochran v Preston, 108 Md. 220 (1908), such limita-

## III.

Acting upon the assumption that what the city cannot, through its police power, take for nothing, it may legitimately buy, some cities have adopted schemes for the taking by eminent domain of the right to impose restrictions upon the use of private property. This policy is commonly referred to as the condemnation of easements. A typical example is the Indiana statute of 1911, providing for park lines.<sup>26</sup> This law gives the park commissioners in cities of the first two classes the right to establish a "line determining the distance at which all structures are to be erected upon any premises fronting upon any park, parkway, or boulevard" and to "acquire by condemnation the right to prevent the erection of, and to require the removal of, all structures outside of such lines." In other words the city condemns and pays for the privilege of creating building lines, a privilege which was denied to it without the payment of compensation. Statutes of this kind now exist also in Colorado, and Missouri, but in none of these three states has the validity of such legislation been tested before the courts. But the Supreme Court of Massachusetts in the famous case of Attorney-General v. Williams, sustained the right of the city of Boston thus to condemn an easement for the protection of a public park.<sup>27</sup> The constitutional question upon which the validity of such legislation hinges, is whether or not the condemnation of easements for esthetic purposes constitutes a taking of private property for public use. The United States Constitution and that of every state

tion of the height of buildings by zones was held to be constitutional. Similar enactments in Washington and Indianapolis have never been contested in the courts. For detailed discussion of every phase of this problem see the elaborate report of the Heights of Buildings Commission, submitted to a committee of the Board of Estimate and Apportionment of New York City, December, 1913.

<sup>26</sup>Laws of 1911. Chapter 231. Approved March 6, 1911.

<sup>27</sup>174 Mass. 476 (1899.)



contains the clause that private property shall not be taken for public use except upon the payment of just compensation. This has been universally construed by the courts to mean that private property cannot be taken except for public use, with or without compensation.<sup>28</sup> Is property taken for public use, then, when the purpose of that taking is the preservation of the beauty of a park or boulevard? The Massachusetts statute in question limited the height of buildings on Copley Square in Boston to 90 feet and provided for the payment of compensation for this invasion of the rights of abutting owners. In a well reasoned opinion sustaining the law the Massachusetts Supreme Court concludes: "If the Legislature, for the benefit of the public, was seeking to promote the beauty and attractiveness of a public park in the capital of the Commonwealth and to prevent unreasonable encroachments upon the light and air which it had previously received, we cannot say that the law-making power might not determine that this was a matter of such public interest as to call for the expenditure of public money and to justify the taking of private property."<sup>29</sup> Should this decision be accepted as law throughout the United States, the American city would find itself in possession of a very effective city planning power.

#### IV.

There remains to be discussed one other power which a municipality might use in carrying out a city plan, the power of excess condemnation of land. Reduced to simplest terms, this is the power to condemn more land than the city actually needs for the creation of a street, park, or other improvement, to hold this surplus land until the improvement itself has caused an increase in the surrounding land values, and then to sell the surplus at a profit with or without restrictions in the deeds of resale regarding its subsequent use.

<sup>28</sup>Lewis, *Eminent Domain*, 3rd Ed., Sec. 2500.

<sup>29</sup>174 Mass. 476.

This is a scheme which European cities have used rather extensively. American cities have been able to make little progress in this direction, however, because our courts, wherever the question has been raised, have decided with practical unanimity that the surplus land thus taken is not taken for public use.

The earliest practical application of excess condemnation of land in this country was in an attempt to solve the problem of land remnants. When a new street is laid out in an inhabited part of the city, or the direction or width of an old street is changed, it often happens that all along its course will be left a fringe of irregular shaped remnants of land quite unsuitable in size and shape for use or sale. The owners of these fragments hold them in the hope of extracting a high price from the adjoining owners and for long periods of time they remain unwelcome eyesores. Early decisions in South Carolina and New York had forbidden the condemnation of such remnants of land by the city.<sup>30</sup> In 1904 Massachusetts passed a comprehensive statute permitting cities to take such fragments of land by right of eminent domain, replot them so as to make them usable, and then use them, lease them or sell them as the public interest might require.<sup>31</sup> The validity of this statute has never been directly passed upon, but in a dictum in another case the Massachusetts Supreme Court has expressed the opinion that it is constitutional, although it goes, in their judgment, to the very limits of constitutionality.<sup>32</sup> Thus far no other state has enacted such a law.

In 1907 Pennsylvania decided to apply the policy of excess condemnation to the creation of Fairmount Parkway in the City of Philadelphia, and to the preservation of its

<sup>30</sup>*Dunn v Charleston*, Harp. L. Rep. 189 (S. C.) 1824. In matter of Albany Street, 11 Wend. 148 N. Y., 1834.

<sup>31</sup>Laws of 1904, Chapter 443.

<sup>32</sup>Opinion of Justices, 204 Mass. 616, 619 (1910.)

beauty.<sup>33</sup> By special statute the city was permitted to condemn in addition to the land actually needed for the parkway, a strip 200 feet wide on each side of it. This surplus the city was to resell with such restrictions in the deeds as would protect the light, air, view, appearance, and usefulness of the boulevard. The validity of this excess taking was denied in a vigorous opinion handed down by the Pennsylvania Supreme Court in 1913.<sup>34</sup> The surplus land, declared the court, was not taken for a public use. Public use means use by the public and if the city is to dispose of the excess land such use by the public is obviously out of the question. Furthermore, under such a law, a man's home or place of business might be taken from him and bestowed upon his competitor. No esthetic gains to the community can offset such an invasion of the property rights of the individual. There is little question but what this is the view which would prevail in all our state courts. In 1910, the legislature of Massachusetts asked the opinion of the Supreme Court of that state upon the constitutionality of a law permitting excess condemnation for the purpose of establishing a business thoroughfare in the heart of Boston.<sup>35</sup> The unfavorable reply of the court led to the adoption in 1911 of an amendment to the state constitution permitting cities to employ excess condemnation in the construction of streets and boulevards.<sup>36</sup>

One aspect of this Massachusetts amendment deserves special attention as indicating the lengths to which excess condemnation may be pushed. It provides that the excess land thus condemned may subsequently be sold by the city

<sup>33</sup>Acts of Pennsylvania, 1907, No. 315, p. 466.

<sup>34</sup>Penn. Mutual Life Insurance Co. v Philadelphia, 242 Pa. St. 47, reversing 22 Dist. Rep. 195.

<sup>35</sup>Opinion of Justices, 204 Mass. 606, 616, (1910.)

<sup>36</sup>Constitution of Mass. Art. 10, Part 1. A provision of similar import was added to the Ohio Constitution in 1912. Art. XVIII, Sec. 10.

*with or without* suitable restrictions. In other words, the city may use this policy of expropriation as a financial measure. It is contemplated that a sufficient increase in the value of the surplus land thus taken would result from the improvement itself to cover in large part at least the cost to the city of making of the improvement. No state court would regard excess condemnation for a purely financial purpose as a taking for public use even though they were inclined to sustain it as a means of preserving the beauty of public places. Amendments making this unrestricted form of excess condemnation possible have, however, been written into the constitutions of New York, Massachusetts and Wisconsin.<sup>37</sup> And the next few years will doubtless witness numerous experiments with this rather novel policy. It should be borne in mind, however, that these amendments to state constitutions do not finally settle the question of the validity of excess condemnation legislation. Taking of excess land can still be attacked as a deprivation of property without due process of law within the meaning of the 14th amendment of the Federal constitution, and the future of excess condemnation as a workable policy in American cities rests finally with the Supreme Court of the United States.

It is apparent from this very sketchy survey that the law of city planning is neither clearly defined nor definitely settled. It is probable that for many years cities which are ambitious for esthetic betterment will feel that their hands are unduly tied by legal restrictions. The courts do not move in the vanguard of the forces of progress. On the other hand our judges are taking an ever more liberal view

<sup>37</sup>New York Constitution, Art. I, Sec. 7, 1913. Massachusetts Constitution, Art. 10, Part 1, 1911. Wisconsin Constitution, Art XI, Sec. 3a, 1912. In the election of 1914 amendments to the constitution of Wisconsin and California providing for excess condemnation failed of adoption. Similar amendments submitted in November, 1915, in California and New Jersey likewise failed.

of what the public welfare demands. Perhaps by the time the American city has so educated its esthetic tastes that it has exhausted all the legal resources which are now at its command, it will find that the law of city planning has broadened sufficiently to permit the realization of its more ambitious ideals.

## ACCOUNTING NEEDS OF THE AVERAGE CITY

WILLIAM G. ADKINS

Gentlemen: A young boy was asked to describe an oyster. His reply was, "It is a fish built like a nut".

I wish it were possible for me to give you the kernel of the subject I am to talk about, so that the world might be your oyster, in just as concise language; but I cannot.

I had planned to make a rather long talk on this subject, going into city accounting very thoroughly; but when I saw the length of this program and realized the quality of the addresses and papers that were to be presented to you, I decided to speak to you on only one or two of the phases of accounting upon which many cities make mistakes, and which are very important in themselves. These points are, first, sinking funds and second, special assessment accounts.

Many of your cities have outstanding time bonds; that is ten, twenty, and thirty year bonds. It is provided in such bonds that a certain amount of money shall be levied in taxes each year and set aside as a sinking fund for the redemption of the bonds when they fall due; and it is the only possible way for a city to have money to redeem its bonds at maturity.

Several years ago it became necessary for me to go over the accounts of a city which is represented in the audience today; and I found this situation: They had levied a tax of about six thousand dollars per year to cover outstanding bonds; once in a while the City Treasurer had deposited that six thousand dollars in the sinking fund (while the bonds were drawing  $4\frac{1}{2}$  to 6 per cent. and the city was getting three); and then perhaps the next year no deposit was made to the credit of the sinking fund, and the money would be

innocently and unconsciously spent for corporate purposes. As a result, that city was about twenty thousand dollars short, and they did not know it. That condition was a result of a lack of knowledge of legal requirements, by two city officers, the City Clerk and the City Treasurer.

When taxes are paid by the County Treasurer to the City Treasurer a detailed statement of their character accompanies the statement, and I conceive it to be the duty of the City Treasurer to distribute such funds according to the statement submitted by the County Treasurer and to hold special and trust funds inviolate for the purposes for which taxes were levied and collected. The City Clerk should take note that proper distributions is made of such funds, and make the necessary entries to record the facts.

As to the point of handling special assessment or special taxation funds:—From an accountant's standpoint the problem is the same. Such funds do not belong to your city in any sense whatever; they are entirely trust funds. Money that comes in for Special Assessment No. 1 must not be paid out for expenses of Special Assessment No. 2; money that comes in for Special Assessment No. 3 must not be used to meet bills of Special Assessment No. 4, and so on. And yet in this same city, where they had fifty-three special assessments, they had used Special Assessment No. 1 to pay expenses of No. 2, No. 3 to pay No. 4; and mixed things up to such an extent that they had a liability for overpaid special assessment accounts and special assessment money which must be eventually rebated to property owners, of \$46,000, while their balance sheet showed that they had \$4,000 to \$5,000 special-assessment money to the good. Which they had; but when correct bookkeeping was applied to their system they had a liability of \$46,000.

In telling you how it should have been treated I can probably give you the reason for wrong treatment. To keep

proper account of public improvements paid for by special assessment or special taxation, your general ledger should have two accounts with each improvement, one which might be called "Paving of Avenue A", the other "*Cash* account, Special Assessment No. 1." Now, what should go into these accounts? The account with the "paving of Avenue A" should be strictly a *Cost* account. To it should be charged every dollar spent for paving the street from the time the first step is taken toward making the special assessment until the work is absolutely finished, so that when you get through you will have in that account the itemized cost of that paving.

What are the elements of cost? I heard some of you last night say that you did not have money enough to pay for street intersections. Did it ever occur to you that you failed in charging to Special-Assessment, costs for miscellaneous superintendence that might be done by the city engineer's office, city material that might be used on such improvements, perhaps the use of some city machinery or the use and loss of city tools? Did you ever stop to think that there is something more in street paving than the brick, concrete, etc.? In many cities that element of overhead and extraneous service given by city officials, regularly salaried men, has been forgotten. In many cases you would have enough to pay for a goodly portion of street intersections, and if you do not have it, it is largely a matter of wrong accounting.

The handling of the assessment, that is, the collection and disbursement of the cash, is nothing more nor less than a big special cash account, but constitutes a trust fund which must be kept inviolate from all other funds. Out of that fund you can pay what? First, your preliminary expenses for your special assessment; then, any cost that you can pay in cash and finally the redemption of special assessment bonds. A city had a certain special assessment that showed



on hand \$200 in cash in the treasury and \$800 of uncollected taxation;—that is, assets of \$1,000 and \$1,500 of outstanding bonds or net liabilities of \$500. How was that going to be paid? The deficit resulted simply from bad bookkeeping, bad handling of funds. On the other hand, another special assessment account showed \$500 in money and \$1,000 in uncollected taxes and only \$1,000 bonds outstanding;—\$500 to the good. But that did not belong to the city; it must be paid back to the taxpayers as rebate.

Why do these errors occur? It has never been absolutely established who the accounting officer of the ordinary small city is. Where there is no comptroller it naturally falls to the work of the City Clerk. Conditions are these: City Clerks are elected for two years. If you happen to get a bright man who understands commercial accounts in a general way, you have "the makings" of a good man. I have searched through all the libraries I have had access to, trying to find a text book that would give the young man, when he came into office, the instruction necessary for the correct keeping of accounts of the average city. There are a number of works to show how to keep accounts for New York, Chicago, St. Louis, and for other large cities; but the small city, I mean the city whose accounts are simple, whose accounts do not differ very materially from the commercial work which your young City Clerk is used to; I cannot find anywhere instruction on just his needs.

The great need is the establishment of a uniform system of accounting for the cities of Illinois. It might be graded like the Public Utilities Accounting System of Wisconsin, into groups A., B., C., D. according to size of cities; but it should be thoroughly worked out.

Next, is that your City Clerk or accounting officer, when put into office, should show that he is worth while and then be kept at it indefinitely.

Sometime, when the fact that you men have been Mayors is witnessed only by poorly executed crayons portraits on the walls of the city hall; or by "Here Lies" inscriptions on slabs of marble in the cemeteries; when these gentlemen of the University of Illinois who are devoting their lives and talents to the betterment of mankind, have passed to their just reward; when the State of Illinois has gone dry and the product of Peoria is forgotten; when the humble accountant who never has and never expects to hold a city office, but who is interested in municipal affairs, has finally made his last audit, and closed his books forever, selected his harp and fitted on his halo; after all this there may come a time when the Legislature of Illinois will wake up to those two needs of the average city: a uniform system of accounting and practically a life term for the accounting officer.

## WORKABLE MILK ORDINANCES

H. A. HARDING

*Professor of Dairy Husbandry*

Our present information regarding milk and its relation to public health is so incomplete that the construction of a perfect milk ordinance is out of the question. On the other hand, experience in this connection is sufficient to indicate a number of points which should be borne in mind in drawing a good ordinance regarding milk.

An important point which is ordinarily overlooked is the necessity for simple and direct language. For example, this recent ordinance of one of our medium sized cities devotes four and one-half pages to saying that the dealers must have a license and the packages containing milk shall be plainly and accurately marked. To be sure, these are important points, but it does seem that four and one-half pages need not be devoted to making them clear. Likewise in this same ordinance, two pages are given to the question of milk standards, which are already established in the State Food Law. It would seem that this subject could be adequately covered in a couple of lines calling attention to the place and character of the state enactment.

An effort should be made in milk ordinances to avoid the impracticable. Under this heading I would call your attention to the score card and to bacterial standards. At present much stress is laid upon the results obtained by scoring the dairies upon one or another of the score cards. It should be observed that these cards score not the milk in which we are interested, but the dairies, and careful studies conducted by the New York Agricultural Experiment Station and other places show that there is no connection between the score obtained on the score card and the quality

of the milk supplied from the dairy in question. Our recent field studies have again emphasized this point by showing that barns which scored so low as not to meet the requirements of any of the cities giving attention to this matter often produced milk with a germ content as low as 10,000 per cc. and therefore of a quality which from the germ standpoint would be acceptable as certified milk. Extended studies of germ content in milk produced in our own barns fully corroborate these findings. The difficulty with the bacterial standard lies in our inability to determine accurately the germ content of the milk. A careful study of a large amount of data has led our statistician to conclude that in order to be sure of the germ content of milk, within reasonable limits, one should have twenty-five analyses of the milk in question. Manifestly making this number of determinations is beyond the practical limits of costs which face our municipalities.

The ordinance in question should take account of the following positive points:

Should require a license from all parties handling milk in the municipality; this license to be for the purpose of control and not necessarily as a basis of raising revenue. No more effective leverage can be had upon the milk business than the ability to withdraw the license and put the party out of business provided regulations are not complied with.

Such an ordinance should observe the State dairy food standards which at present call for a minimum of 3 per cent. of fat and  $8\frac{1}{2}$  of solids not fat. The value of these standards is debatable, but there is no excuse for a variety of such standards.

Proper pasteurization of all milk intended for direct consumption should be insisted upon and a pasteurization at  $140^{\circ}$  to  $145^{\circ}$  Fahrenheit for thirty minutes seems to be

the most workable requirement. The ordinance should include the requirement of self-registering temperature records which shall be kept and be open for inspection at all times. While much of the activity of the Board of Health in milk matters is open to question, the right of the Board to insist that the health of the community shall be protected by this simple and effective requirement is above question.

All milk bottles should be required to be so treated as to make them safe before being refilled with milk. At present perhaps the greatest menace to the public health lies in the treatment which our milk bottles normally receive in our smaller cities. There is probably no city in the state in which milk bottles are so handled as to be too safe.

As both the pasteurization of the milk and the treatment of the bottles will normally occur within the municipality, the inspection and enforcement of requirements is accompanied by a minimum of expense and difficulty.

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**PROCEEDINGS**  
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**OF THE**  
**ILLINOIS MUNICIPAL LEAGUE**  
**HELD AT THE**  
**UNIVERSITY OF ILLINOIS**  
**Urbana-Champaign**  
**December 7-8, 1916**



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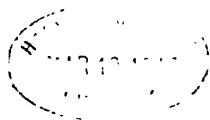


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Harvey K. Williams

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## MINUTES OF THE THIRD ANNUAL CONVENTION OF THE ILLINOIS MUNICIPAL LEAGUE

Held at the University of Illinois, Urbana-Champaign,  
Illinois, December 7 and 8, 1916.

### FIRST SESSION

The Third Annual Convention of the Illinois Municipal League was called to order in the Physics lecture room of the University of Illinois on Thursday, December 7, 1916, shortly after 2 o'clock.

Kendric C. Babcock, dean of the College of Liberal Arts and Sciences, welcomed the delegates to the University.

Mayor W. C. Barber of Joliet, president of the league, responded, and addressed the convention on the opportunities for developing the work of the league.

The secretary, John A. Fairlie, presented a brief financial report as follows:

### FINANCIAL REPORT

1914

Amount received from W. W. Bennett, from the Illinois Mayors'

Association .....	\$116.43
Receipts—dues from 9 cities and 1 individual.....	48.00

\$164.43

Payments:	Printing .....	\$34.50	
	Postage .....	22.00	
	Clerical work.....	14.32	\$ 70.82

Balance, November, 1915.....	<u>\$ 93.61</u>
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1915

Receipts—Dues from 9 cities at \$10.....				\$90.00
Dues from 2 cities at \$5.....				10.00
Dues from 3 members at \$3.....				9.00
				<hr/>
Total .....				\$202.61
Payments: Postage stamps.....				\$16.70
Clerical work.....				59.23
Printing Programs 9.75, Letter Heads 3.00.				12.75
				<hr/>
Balance, November, 1916.....				\$113.93

Mr. George C. Sikes of Chicago addressed the convention on the need for cooperation between cities and the citizens of Illinois, with reference to municipal legislation and constitutional changes, and suggested calling a conference of cities to include both officials and private citizens, especially to consider plans for constitutional provisions relating to municipal government.

J. G. Stevens of the University of Illinois presented a paper on Co-ordination of Public and Private Agencies, giving illustrations of such cooperation in the field of social and philanthropic effort.

Following these papers an informal discussion took place relative to plans for legislation on municipal affairs and methods for promoting such legislation. On motion of Mr. Holmes of Macomb, it was voted that the president appoint a committee of three to report at the session tomorrow on plans for legislative action. The president appointed as this committee:

Mayor W. W. Bennett, of Rockford, Illinois  
 Mr. A. D. Stevens, city attorney of Springfield  
 Mayor H. P. Pearsons of Evanston.

Mayor M. R. Carlson, of Moline, addressed the convention on the improvements in water supply and fire protection adopted recently in Moline with the object of securing a reduction in insurance rates.

## SECOND SESSION

On Friday evening the delegates to the Illinois Municipal League held an informal meeting at the Hotel Beardsley in Champaign.

W. G. Spurgin, corporation counsel of Urbana, and A. D. Stevens, city attorney of Springfield, addressed the convention on the subject of city ordinances, considering especially the recent revision of the city ordinances of Urbana and the plans for revision in Springfield.

Following these papers an active and informal discussion took place on a number of municipal problems, including the need for regulating the weight of loads in relation to the width of tires on street traffic; sources of, and means of increasing city revenues—such as the wheel tax, road and bridge tax, and an increase in the rate of taxation authorized for corporate purposes; and home rule and public utilities.

President Barber announced the following committees:

*Nomination Committee*

Mayor W. W. Bennett, of Rockford  
Mayor W. H. Hoff, of Paris  
Mayor B. W. Alpiner, of Kankakee  
Mayor C. E. Tiedeman, of O'Fallon  
Mayor E. S. Swigart, of Champaign.

*Resolutions*

Mayor J. L. Conger, of Galesburg  
Mayor E. E. Jones, of Bloomington  
Mayor J. H. Siegel, of Collinsville  
Mayor M. R. Carlson, of Moline  
Mayor H. J. Rodgers, of Jacksonville  
Comr. W. J. Spaulding, of Springfield  
Mayor H. P. Pearsons, of Evanston  
Alderman Geo. B. Holmes, of Macomb.

On motion it was voted that the league hold a session at luncheon Friday at 12:30 p. m. at the Y. M. C. A. cafeteria.

## THIRD SESSION

On Friday morning the third session of the league was called to order in the Physics lecture room at 9:45 a. m. The following papers and addresses were presented:

Professor F. H. Newell of the University of Illinois, on City Pavements.

Professor Edward Bartow of the State Water Survey, on the Most Recent Practice in Sewage Disposal, with stereopticon illustrations.

Mayor E. S. Swigart, of Champaign, on Street Repairs.

These papers were followed by an informal discussion of the questions presented. The league then adjourned for luncheon at the Y. M. C. A. cafeteria.

## FOURTH SESSION

At the Friday afternoon session of the Illinois Municipal League, Mayo Fesler, secretary of the Cleveland (Ohio) Civic League, presented a paper on the non-partisan system of preferential voting, citing examples of the use of this method in Cleveland and other cities. During the discussion of this paper, Mr. Fesler, in response to a request, described the organization and work of the Ohio Municipal League, especially in relation to the constitutional convention held in Ohio a few years ago.

Other papers were presented as follows:

Mr. H. E. Babbitt, of the University of Illinois, on Organization of Water Departments.

Alderman L. E. Robinson, of Monmouth, on the Committee Chairman.

Mayor Abbott, of Quincy, discussed briefly the proposed conference of city officials with reference to the coal situation.

The committee on resolutions presented the following report:

## RESOLUTIONS

*Whereas*, the cities of Illinois find themselves seriously handicapped on account of obsolete and inadequate constitutional provisions and laws, which in many cases render efficient city government impossible; and

*Whereas*, we strongly favor the principle of home rule in municipal affairs; therefore,

*Be it Resolved* by the Illinois Municipal League, representing the cities of this state, in convention assembled:

That we favor a constitutional convention for the revision of the state constitution; and urge the general assembly to submit to the people the question of calling such a convention.

That pending the full relief to be had by a constitutional convention from the demoralization which now exists in the application of our assessment and tax laws, there should be granted to cities the power to make necessary increases in their revenues; and the league authorizes and directs its committee on legislation to use all honorable means to secure an advance in the limit now placed by law upon taxes for general corporate purposes, from 12 to 20 mills on the dollar of the assessed value of property;

That in view of the necessity for additional legislation to enable cities to deal with problems of sewage disposal and sanitary improvement, the league authorizes its committee on legislation to use its efforts to secure such legislation;

That, while we commend the efforts of the State Public Utilities Commission to regulate the service and rates of privately owned public utilities, we are unalterably opposed to any legislation which will in any way curtail or diminish the powers granted to cities to own and operate their own utilities or to sell the product thereof, or which will in any way interfere with the operation and management by local city governments of the utilities owned by cities of this state;

That the league urgently recommends that the General Assembly make an appropriation of \$10,000 a year for the



maintenance and support of the municipal reference bureau at the University of Illinois, as a central clearing house of information for the cities and villages of the state;

That the league expresses its thanks to the University of Illinois for its courtesies in connection with this meeting.

On motion, the resolutions were unanimously adopted.

The committee on methods for promoting legislative action submitted a suggestive schedule of contributions from cities, as follows:

#### MUNICIPALITIES OF

Less than	2,500 population	.....\$ 5.00
Between 2,500 and	5,000 population	..... 10.00
Between 5,000 and	10,000 population	..... 15.00
Between 10,000 and	20,000 population	..... 20.00
Between 20,000 and	50,000 population	..... 30.00
Between 50,000 and	100,000 population	..... 40.00
More than	100,000 population	..... 50.00

After an informal discussion, on motion of Mayor H. P. Pearsons, of Evanston, it was voted that this schedule be approved, and that the president and secretary draft a letter to be signed in behalf of the league by those present, to be sent to the various cities in the state, setting forth the plans of the league, and asking for contributions on the schedule proposed.

On motion of Mayor Alpiner, it was voted that the committee on legislation should be enlarged to seven members with the president and secretary of the league ex-officio, and that the committee have power to take action on proposed legislation and to appoint sub-committees.

The committee on nominations submitted the following nominations for re-election to offices of the league for the ensuing year:

President, Mayor William C. Barber, of Joliet  
 Vice President, Mayor H. H. Stahl, of Freeport  
 Secretary-Treasurer, John A. Fairlie, of Urbana  
 Statistician, William G. Adkins, of Chicago.

Members of the executive committee, Mayor J. E. Meritt of Hoopeston, Mayor O. L. Browder of Urbana, Mayor Walter Wood of Cairo.

On motion the report was accepted and the officers were unanimously elected.

President Barber announced the following committee on legislation:

Mayor W. W. Bennett, of Rockford  
Mayor H. P. Pearsons, of Evanston  
Mayor M. L. Carlson, of Moline  
Mayor B. W. Alpiner, of Kankakee  
Mayor H. J. Rodgers, of Jacksonville  
Mayor J. L. Conger, of Galesburg  
Mayor E. E. Jones, of Bloomington  
Mr. A. D. Stevens, city attorney of Springfield.

On motion of Mr. Story of the University of Illinois, it was voted that in the program of the next meeting of the league special attention be given to a discussion of definite proposals for municipal home rule.

At 4:30 p. m. the convention adjourned.

## PRESIDENT'S ADDRESS

WM. C. BARBER, MAYOR OF JOLIET

Gentlemen of the Third Annual Convention of the Illinois  
Municipal League:

It is fair, I believe, to presume that all of the members of this audience are interested in a more or less direct way with the government of our municipalities.

Presupposing this to be a fact, may I here offer a personal observation, and that is—that the question of government is not vital to the people. The local government of any group of people is only so good as the people themselves wish and demand. Almost every community has its periodic spasms which result in the repudiation of existing governmental practices and methods which are and should be condemned, and changed practices and methods are demanded and inaugurated. Temporary results may be forthcoming but the history of our cities shows that almost universally the movement is but temporary. This is partially explained by the fact that the virus of bad government has been so long in our system that the spasmodic upheavals only eliminate a very small portion of the poison from the body politic. You all know how blood-poisoning works in the natural body and how hard it is, once the system is infected, to remove entirely from the human body all traces thereof.

Good government is simply a selling proposition. Those holding office must interest the stockholders in the concern—the citizens in their community—in the personal advantages to be derived from a good government. It means a consistent plan of publicity—of not only calling repeatedly to the attention of the people the details of good lines of administrative action, but the creation of a public sentiment so strong that it will find expression in a clear-cut demand of representative groups of the citizens for the line of action suggested. When the people are ready to surrender the customary life of ease

and inactivity in directing and following the work of their public servants, and get the vision of the possibilities of good government, and insist that their officials shall use all power entrusted to them to link up with the life and needs of the people they serve, then we may hope for *permanent* good government in our cities.

A very substantial portion of the time and attention of this convention may well be given to needed legislation for Illinois municipalities.

A strong movement is now on foot looking for a new constitution for our state to take the place of the one adopted in and in use since 1870. It is to be hoped that this movement will be successful and that this league will aid the same to the limit of its power. With the tax amendment to the constitution adopted at our late election, an insistent state-wide demand for adequate legislation for the regulation of the private banks located in our state, a crying need not only throughout Illinois but nation-wide for a standardization of the rules for the regulation of the traffic on our streets and highways, a constantly increasing percentage of the people in the different cities of our state demanding a place in our state constitution for an adequate municipal home rule amendment, an ever-widening realization that Illinois legislation should provide for the zone system—giving a plan for the segregation of industrial, commercial and residential districts in our cities, to which plan the cities of the old world have long been committed and to which American cities are now turning as the solution of the chaotic conditions of the past and present, a notation of the fact that our city planners should be given due legal recognition, that city planning boards may be created and empowered, that the system of preferential balloting may be legally provided for so that any of our municipalities may have the privilege of electing to use this system, and the ever-present financial problem of our cities with its demand for information on how we may increase our municipal revenues; these and many more phases of needed legislation suggest themselves readily to our minds.

The question is frequently asked: Is our state constitution sufficiently elastic to permit of such special authority as may be required to divide our cities into districts of various types and prescribe suitable regulations and provisions for building therein? A new constitution offers the opportunity to make affirmative answer. New York City has practicalized the plan and I am advised that for the city of Chicago one of the speakers on the program of this convention, Alderman Charles E. Merriam, has prepared the draft of a bill to be passed by Chicago's city council and then submitted to the next session of our legislature, which, if enacted, will give to Illinois cities such an amendment of the Cities and Villages Act as will authorize the cities of this state to create industrial, residential and other zones and make regulations to govern them.

I am of the opinion that this league can profitably give consideration to such a bill and if the bill is as comprehensive as that in force in New York we will do well to aid in its passage.

What we may accomplish, gentlemen, rests solely with ourselves. Conditions in Illinois are very favorable to obtaining very substantial results from well-directed effort and I am strongly of the opinion that our league members, individually and collectively, have the ability, the energy and the desire to go out and get the laws needed to make Illinois cities the best to be found anywhere in America.

## THE CO-ORDINATION OF PUBLIC AND PRIVATE AGENCIES

J. G. STEVENS, UNIVERSITY OF ILLINOIS

In a country where the function of government is so tempered and modified by our concept of individual rights there is always present the problem of cooperation between public and private agencies or organizations which are trying to promote community interests. To secure any effective progressive results there must be a harmonious and definite relationship between these two forms of organized activity. There is a peculiar need of an analysis of this relationship at the present time because of the enlarging scope of governmental activity and the taking over of certain social activities, which were at one time rather narrowly limited to the field of private enterprise. In the social and educational field, the introduction of new courses into the school curriculum, the building of public playgrounds and gymnasiums, the comparatively new work of public school nurses, and the extending use of the school building as a community center indicate a comparatively new line of activity for public agencies. Some of these new lines of activity were once the field for organized private effort. We need to know more definitely the relationship between public and private agencies when conditions are changing and new ideas of social responsibility are developing. It is the purpose of this paper to discuss briefly some of the elementary guiding relationships between public and private agencies of various kinds, particularly in the field of social betterment, where many new adjustments are taking place. Two main lines of discussion will be followed: first, the co-ordination growing out of the use of the material equipment of public agencies by private organizations; and second, the co-ordination resulting from the development of leadership in new enterprises by private organizations, and the by-products of this leadership in the form of new ideas which can be used as the basis of social policies and utilized

by public agencies after these ideas have passed beyond the stage of experimentation or have become established and generally recognized scientific facts.

In the first place, there can be an effective co-ordination of public and private agencies through the use of the material equipment which the city already owns by private organizations. Every city has considerable permanent material equipment in the way of school-houses, parks, playgrounds, gymnasiums, and libraries. This material equipment of a somewhat permanent character could be utilized by private organizations of a responsible nature, whose purposes were along the lines of educational and social betterment. Perhaps the most important single factor in this permanent city equipment available for social use by private organizations is the public school building. The utilization of the public school buildings would necessitate the sympathetic and efficient co-ordination of the board of education with the private agencies which desired the use of the school building. In the State of Illinois there is a statute which grants the use of the school buildings to private organizations for such meetings as the school directors may deem proper. This gives the school directors a wide range of flexibility in the matter of granting this use, and makes possible a very much more extended use of the public school building.

There are almost limitless possibilities of development in this direction. The school building could be used as a center of discussion of public problems by civic clubs which are trying to develop and direct wholesome public opinion in behalf of good citizenship. The growing use of the school buildings by literary and debating societies leads logically to the use of the school building as a distinctly community center, where all the people can meet to discuss vital public problems, a function resembling the old New England town meeting whose vitalizing influence reached all the community. The school extension committee of the National Municipal League says, "In the public school 'plant' there is a whole hemisphere of value unrealized, undiscovered by those who think of it simply as a

place for the education of children with the added use of an occasional evening school."<sup>1</sup> We have simply left untouched this permanent material equipment already owned by the city which could be used in literally scores of ways by responsible private organizations whose purpose is to promote civic and community interests.

The use of the permanent city equipment is in no sense limited to the use of public school buildings. It should include the use of streets, public squares, market places, playgrounds, docks, piers, etc. An extended use of the playground could be made in a certain definite way through the co-ordination of a playground association and the public agency supervising the playground. In Champaign-Urbana there is a recreation center under the auspices of the playground committee of the association of the collegiate alumnae. The cost of keeping the building open and of paying a play director is maintained by the association. A city might grant the use of some of its buildings for art exhibitions if there is existing an art association (or the potential elements of one) which would cooperate with the city authorities in making such exhibitions successful. This co-ordination between public and private agencies along the lines of art is well illustrated in the case of Richmond, Indiana. In this city there were a few enterprising people interested in the subject of art. The use of one of the school buildings was obtained, an art association was formed and a number of art exhibitions were given each year. Some pictures were obtained from local artists, others were borrowed from the large cities. Newspaper men, teachers, and business men joined the association and there developed a wholesome growing interest in the value of art. The city council co-operated in a financial way by making a small appropriation for the exhibitions. The interest centered first around paintings, but the exhibition grew to include etchings, bronzes, and handicraft productions such as pottery, metals, books and textiles of an artistic nature.

<sup>1</sup>Edward J. Ward, *Social and Civic Centers*, p. 12.



The influence of Richmond spread to other cities and activities of a similar character were started in Fort Wayne, Terre Haute, Vincennes, and Indianapolis. Such are some of the excellent results along artistic lines which can be obtained through the co-ordination of public and private agencies.

Under similar conditions the same results can be accomplished elsewhere. This illustrates a definite concrete way in which public and private agencies could be co-ordinated for civic purposes. The use of streets and public squares could be utilized for pageants, historical plays, civic holidays and celebrations developed by private organizations. Societies interested in local history would be particularly likely to cooperate with public agencies in developing pageants and civic celebrations of a local nature. A more extended use of the street is possible. The street is the natural and logical place to develop certain neighborhood games. Why not grant the exclusive use of it (if necessary) at certain times to responsible organizations which aim to promote civic spirit? Some of the residents of social settlements (like Hull House and the Chicago Commons) gather on summer evenings to play games with the children of the neighborhood. Such activity demands at least a sympathetic attitude if not active cooperation on the part of the public authorities. Town halls could be used for general civic and social gatherings when the schools were not available. The Common Council chamber in the City Hall of Rochester, N. Y. has been used in this manner for a number of years. The Common Council chamber of the City Hall of Milwaukee has been used in recent years as a meeting place for an institute of municipal and social service. These are a few of the varied ways in which there could be a most effective co-ordination of public and private agencies aiming to promote civic interests. Many cities have made good beginnings in this direction but there are still unused opportunities along such lines.

The field of public health is another fruitful realm for the cooperation of public and private agencies. The experi-

ence of Rochester, N. Y. along this line is instructive. One phase of this cooperation between the public and private organization was developed in dentistry. The city furnished the permanent equipment or building in one of its hospitals. The Rochester Dental Society established a free dental dispensary. The actual work was carried on by the society with money from its treasury. The initial movement failed after two years of experience, but it was revived in 1909-1910. In the second attempt all the dental equipment for the dispensary was donated by the manufacturers through the dental society. The work developed rapidly and the board of education co-operated with the dental society and an arrangement was made for a series of lectures on oral hygiene. These were given by a member of the National Dental Association, Dr. John Corley, of Sewanee, Tennessee. In connection with these lectures, 50,000 pamphlets on the care of the teeth were distributed gratuitously. From this particular school where the work originated, the influence of the co-ordinated activity of public and private agencies spread to other schools.<sup>2</sup>

The second way in which there may be a co-ordination of public and private agencies is in the matter of leadership. The initial effort in developing a new form of civic activity must ordinarily depend upon private agencies. This does not mean that public agencies may not have leaders who may be as well qualified for initiative and enterprise as the directors of private agencies. But public officials have the routine work of administration upon their hands and new activities cannot be taken up by them as a rule because their time and energy is usually occupied with other things. The collecting of taxes, the cleaning of the streets, the management of the police and fire departments, the supervision of the public health keep our public officials busy. We must look for initiative among private agencies who have the time and organization for this very thing.

<sup>2</sup>Edward J. Ward, *The Social Center*, Pp. 294-298.

The experience of Milwaukee along this line is interesting. In 1906 and 1907 the Social Economics Club, a small club of women, of that city, presented a petition to the city council to appropriate \$25,000 for the development of recreation centers. The resolution was also presented to the public school board and to the Women's Federated Clubs and the support of both these organizations was secured. At this stage in the development of the project it was found that the utilization of the public school grounds was impossible without amending the city charter. The women who were directing the matter took it to the state legislature and the city charter was amended in such a way as to secure the use of the public school grounds for recreational purposes. It then remained to secure necessary funds for the work. The initial expenses were met by private subscription and contributions from the treasuries of the interested women's clubs. At this point the school board of Milwaukee came to the rescue and appropriated the necessary funds to continue the work. Through all of the preparatory steps the women assumed the leadership of the whole movement, securing the loyal cooperation of the city attorney, the city superintendent of schools, members of the common council, the school board, the legislature and others, without whose assistance the whole project would have been impossible.<sup>3</sup> Thus through the initiative of private agencies, and the cooperation of public agencies, the social center work in Milwaukee has become an established fact and Milwaukee is among the municipal leaders in works of this sort.

What has been true of Milwaukee in regard to the development of play centers is true of other cities which have developed a play system by the co-ordination of public and private agencies. In 1913 there were 121 cities in the United States whose playgrounds were maintained under a playground association, a private organization. Henry S. Curtis says, "Probably ninety-five per cent or more of all the play

<sup>3</sup>Charities and The Commons (The Survey), Dec. 19, 1908, p. 441.

systems in the United States have been started by private organizations. During the first years it was nearly always a committee of a mothers' club, a woman's club, or some sort of civic organization which took the initiative, but during the last few years the tendency has been more and more toward the organization of a playground or recreation association. Where the movement has been one for a school playground, the mothers' club or the parents' association has often been able to undertake it and carry it on until the school board was ready to take it over.<sup>4</sup> Here is a striking illustration of the manner in which private organizations take the initiative and cooperate with the public agencies in getting a new civic enterprise launched. As soon as possible it is desirable in most cases to turn the whole project over to the public authorities, but the initial effort is usually made through the leadership of a private organization in coordinated activity with public officials.

In the exercise of the function of leadership private organizations have developed two valuable additional contributions which are factors in the problem of co-ordinating public and private agencies. The first of these by-products of leadership is the contribution of method. In experimentation and the trying out of new projects private agencies learn how to do things. Then, when a project of sufficient community interest is taken over by public officials the efficient method of carrying such a policy into execution is available. An excellent example of this development is found in the field of poor relief. The charity organization society is a private organization which has developed through the experience of the last thirty-five years a scientific method of handling cases of poor relief by means of the utilization of expert service, investigation, adequate relief, the co-ordination of different societies, and the securing of detailed records. If a city should wish to assume the management of public outdoor relief, it would find a method already developed for its use. Of course,

<sup>4</sup>The Practical Conduct of Play, p. 8.

in this state, the administration of public outdoor relief is not in the hands of the city authorities and the method of the charity organization society would not have an immediate practical application. Nevertheless the charity organization society has developed a method which will probably be utilized sometime by some public agency, if not by the city.

The second by-product of the leadership of private agencies in launching new civic enterprises is research—the securing of organized facts upon which social policies can be based. An excellent example of this is the so-called community survey, a number of which have already been made in this state. Some of these surveys are made under the auspices of the Russell Sage Foundation, of New York City. The survey of Springfield, Illinois, is an example of one supervised by the Sage Foundation. However, there is no reason why these surveys should not be made or at least begun by local private organizations. These surveys aim to present a scientific arrangement of the actual conditions of the city life along the various lines of municipal activity, such as health, character of the population, the correctional system, pauperism, housing and recreation. On the basis of these facts a community may know what its assets and liabilities are and evolve a social and economic policy definitely suited to its needs. Nothing could be more valuable to a city, for example, than to know the exact facts regarding its health conditions, the death rate from different diseases, the population not supplied with city water, the number of wells and privies, the disposal of sewage, the extent of venereal disease, the extent of prostitution, the prevalence of infant mortality, and the efficiency of food inspection. These facts may be utilized to establish a sound basis for a comprehensive health program. In a negative way they enlighten a community in regard to its dangers.

In many instances private organizations are procuring facts which public agencies may utilize to establish sound social policies in regard to health, morals, pauperism, crime and housing. The securing of valuable facts by private organizations

and their later utilization by public agencies form one of the most fruitful ways in which private and public agencies can cooperate in promoting civic interests. This possible utilization of laboratory facts derived by private agencies tends to be neglected by many American municipalities. In speaking of the matter of health, the American Journal of Public Health says: "Some students of public health administration have occasionally called attention to the tardiness with which administrative health officials put into practice measures for the control of disease based upon the result of research into their cause and method of transmission. This applies not only to the control of diseases after they have assumed undue prevalence in a community but to the prevention of the entrance of diseases into a hitherto non-infected locality. Examples of this delay in the application of laboratory results to practical public health procedures are numerous, as shown by the history of the control of yellow fever, malaria, bubonic plague, typhus fever, cholera, and even of typhoid fever, the most studied and still one of the most prevalent of our endemic infectious diseases. It has been known for at least fifteen years that bubonic plague is primarily a disease of rodents, and only secondarily of man, and that the disease is carried to man by infected fleas. While these facts have been common knowledge even to the laity, they have been practically disregarded by every city in the United States, except sporadically, so far as concerns the putting into effect of measures for the destruction of rats and even of the exclusion of possibly infected rats from places in the United States in which bubonic plague is present. New Orleans in all probability would have avoided the loss of life and the great financial loss to the city and its citizens if it had applied, previous to 1914, those measures known to be effective in plague prevention. What has happened in New Orleans may happen to other cities."<sup>5</sup> Our

<sup>5</sup>Nov. 1916.

cities have far to go before they will have utilized efficiently the laboratory facts derived by the research of private agencies.

Most of the concrete examples of the co-ordination of public and private agencies have been drawn from the field of social problems, with which the writer is more familiar than the forms of municipal activity along economic and financial lines. However, there seems to be no good reason why these principles of cooperation should not apply in nearly all fields of municipal activity. Taxation, street-cleaning, charter amendment, and budget reform appear to be very fruitful fields for cooperation between public and private agencies. At any rate, the field of social problems offers an undisputed opportunity for co-ordinated activity between public and private agencies.

Nothing has been said regarding the dangers and pitfalls involved in the problem of the co-ordination of public and private organizations. That the dangers are real in certain ways there can be no doubt. Graft and mismanagement are definitely possible and in many cases actually occur. The expenditure of public funds, under the supervision of private organizations, for example, is as a rule undesirable and may result in wasteful and useless expense. Wherever there is expenditure of public funds by private organizations there should be rigid public supervision. In some cases this method may be practically feasible and may constitute a good beginning toward better things. In many ways, the ideal would be to have public agencies assume charge of all those activities which are important enough to affect the whole community. But this is not always possible under actual conditions. At the present time the co-ordination of public and private agencies is a necessity in municipal life and it has the possibilities of becoming a very effective agent for the promotion of community interests.

## THE PREFERENTIAL, NON-PARTISAN BALLOT

AS A SUGGESTED PARTIAL RELIEF FOR SOME OF OUR  
ELECTION ILLS

MAYO FESLER

*Secretary of the Civic League of Cleveland*

The best method of nominating and electing candidates for public office has been a perennial subject for discussion throughout the political history of this country. In the early years, we elected very few officials. Most of them were appointive. This appointive function was so seriously abused that we turned to the elective system, and decided to let the people choose directly every official from constable to chief executive. They were nominated in party conventions and elected by popular vote.

But this method of selecting proved to be unsatisfactory and was just as seriously abused as was the old appointive plan. The party convention proved especially objectionable; so we turned for relief to the party primary. That method, in many sections of the country, is proving to be fully as unsatisfactory as was the convention plan, and public-spirited citizens and newspapers are clamoring for still another change in the method of determining who shall be candidates for public office.

The trouble with all of this well-meaning effort is that it has not sought governmental changes in the right order. When we adopted the primary with a long list of elective officials, we put the cart before the horse. We should first have reduced the long list to a minimum and then adopted the primary. In other words, the short ballot should have preceded the primary.

It is my firm belief that we are not going to find any permanent relief, especially in our municipal elections, until we learn to do as they do in English cities: elect one or two officials—policy determining officials—and appoint all others.



When we reach that conclusion and modify our elective system in this fundamental way, most of our election ills will of themselves disappear.

We are trying to force the electors to perform more duties than they should be called upon to perform and more than they can perform with any degree of ease. We must reduce the voter's task to its simplest form and give him only the most important function to perform.

In some six states and more than thirty cities, a new plan is being tried out, which seeks to reduce the voter's task and at the same time to give him the fullest opportunity of expressing his opinion on the candidates who seek public office. I refer to the non-partisan, preferential system of voting.

Most of you have lived long enough to remember how the old party convention operated in nominating candidates for public office. Whatever criticism may be made of the convention plan, it had some good features, and one of its best was the opportunity it gave the delegates chosen by the voters to come together in convention, talk over the merits of the respective candidates, and after much maneuvering and many ballots, finally to reach an agreement—this agreement being reached, of course, by many of the delegates voting for candidates of their second, third or fourth choice.

Each county or district delegation, you will remember, went to the convention definitely pledged to some one candidate, usually a favorite son. They were instructed by the voters who selected them to vote for the favorite son as long as he had a chance for the nomination, or at least for the first five or ten ballots. If their favorite showed no signs of winning, then they were permitted to throw their strength to some other candidate of their second choice. If the second choice indicated signs of weakness as the balloting proceeded, then they were authorized to vote as they pleased. In other words, they went to the convention ready to vote for a first, a second, a third, and possibly other choices.

Without regard to the ulterior motives and the sinister influences which so often determined the swing from the first to the second or third choice, the principle involved, in having more than one choice, was absolutely sound. It was thoroughly consistent with the whole theory of representative government. Because, as you know, the foundation principles or practices of a republican or democratic form of government are based upon compromise and concession, i. e., upon a yielding of one man's fixed opinion or choice in a given matter to a common or majority choice. In a democracy, we never get all that we want. Our individual views never prevail in their entirety. The individual opinion must always be blended into the majority opinion. So that, I say, the old convention method of choice was sound in principle and would probably still be the accepted and effective mode of choosing candidates had it not been so seriously abused by those in control of the political parties.

Now the preferential ballot is nothing more nor less than the equivalent of a convention where the entire electorate comes together. Not in one place nor at one time—but they assemble on the same day at the polling places and express their several choices at one and the same time, and at the same session, then adjourn, and leave the counting to be done and the results to be announced by the election officials appointed by law.

“The preferential ballot,” if I should attempt to define it, “is that form of ballot which offers to the voter the opportunity of registering fully and effectively his will, by expressing his choice not only for a candidate for each office, but his opinion as to the relative merits of all candidates for the office.” It gives to the voter the opportunity for unrestricted, effective voting. It enables the voter to express his full opinion instead of his partial opinion as under the single choice plan.

Returning again to the comparison with the old party convention. If the delegates had gone to the convention in-

structed to vote only for the one choice, first, last and all the time, and the candidate receiving a plurality of votes had been the nominee of the convention, you can readily see how much dissatisfaction would have resulted among the delegates. They would have returned home feeling that their work had been ineffective and that their voices had not been heard in determining who should be the party candidates. Furthermore, the shrewd and unscrupulous party leaders of a certain faction would have taken advantage of the convention by inducing a large number of candidates to stand for nomination merely to divide the vote and by dividing, nominate their own candidate by a minority of the total vote. The possibility of a shifting of the delegates to a second or third choice generally insured a majority for the successful candidate and enabled every delegate to have a fuller voice in the selection. As a result, when the contest was a clean, open fight for the nomination, and the most popular man won by a clear majority of votes, the average delegate bowed to the majority and went home satisfied that the full opinion, not the partial opinion, had been expressed.

In this country we have a great reverence—almost too much reverence, I sometimes think—for the will of the majority. It has become so much a habit of mind in America that we can go through a most serious crisis in national or international affairs, or we can conduct a most bitter campaign where the political opinions are as divergent as the poles, and yet when the electorate registers its opinion, we can accept the judgment of the majority, however small, with an acquiescence almost fatalistic in its submissiveness. But there is no people on the globe more resentful of control by a minority; and when our people in local, state or national elections feel that the public will has not been adequately expressed, and that a majority opinion does not control, they are pretty sure to react and overthrow the men and system which made minority will possible. That is one of the reasons why the caucus and the convention were rejected and the popular primary adopted.

The preferential ballot is a system of voting which attempts to meet this requirement of rule by a majority. This it does by insuring as nearly as possible an actual majority instead of a mere plurality in popular primaries and elections. It seeks to accomplish this by providing a ballot with three or four columns after the names of candidates in which the voter can give each a rank among the candidates by placing a cross in the first column if he thinks the particular candidate should take first rank; in the second column if he thinks he is a second choice; or in the third or fourth column if he is a third or other choice. Or stating it in another way: If there are four candidates running for one office and the voter knows that Jones, his first choice, has scarcely a chance of winning, he instructs the election officials by his second choice vote, to count him for Jones if Jones has a chance, but if Brown or Smith is likely to win he prefers to be counted for Smith as against Brown.

Let me illustrate this purpose of the preferential system by an actual primary contest in New Jersey a few years ago. A Democratic candidate for senator was to be chosen. Three Progressive candidates announced themselves as contestants. A reactionary, realizing how the Progressive voters would divide among the three, saw an opportunity to win by drawing to himself all the reactionaries who constituted a minority of the party strength. On the day before the time expired for announcing candidacies, the reactionary announced that he would be a candidate. This presented a situation dangerous to the Progressive cause. Instead of a clean, open contest among three Progressives who represented the majority of the party, who were Progressive in their views, the reactionary was likely to get a plurality and win. The only possibility of avoiding this was for two of the Progressives to withdraw and center their strength on the one Progressive, which was done. Now, the two candidates who withdrew and their friends made this sacrifice with heartburnings and dissatisfaction, because neither group was convinced that

their favorite was not in fact the strongest candidate of the majority or Progressive wing of the party.

Suppose the preferential ballot had been in use in New Jersey at the time and each voter had had an opportunity of expressing three choices; it would have been unnecessary for the two Progressives to withdraw. Each Progressive voter in the election could have expressed his first choice for his favorite, his second choice for the man next most likely to win, and his third for the other Progressive. No one would have had a majority on first choice, and second and possibly third choices would have been added. In other words, the voters would have had the satisfaction of ascertaining the strength of their individual favorites and, at the same time, massing the Progressive field against the common enemy, the reactionary machine candidate—with the result that a Progressive would have been nominated, each group would have been satisfied, and the party would have been represented by the choice of the large majority of the Democratic voters.

In a Massachusetts municipal election a few years ago, in one of the smaller cities, Salem, 7200 votes were cast for five candidates for mayor. A majority would have been 3601 votes. Yet the successful candidate received less than 1800 votes. The other 5400 were divided about equally among four other candidates. In other words, 42% of the voters elected the mayor. Such a result could scarcely have happened under the preferential system.

We do not claim that the preferential ballot will, in every instance, secure a majority vote for the successful candidate. There have been many instances where candidates have been elected on a preferential ballot by a plurality vote, even by the addition of second and third choices; but in all these instances, there has been a much nearer approach to an actual majority than under the single choice system.

The preferential ballot is comparatively new. It has been in use only seven years. Grand Junction, Colorado, a city of less than 8,000, was the first city to adopt it. The

plan of voting as used in this country was devised by Senator James W. Bucklin of that city, and is sometimes called the Bucklin system. Since 1909 it has been adopted in modified forms by some thirty-three cities in their elections, and by six states, Wisconsin, Minnesota, North Dakota, Indiana, New Jersey and Washington either in primaries or elections. The first two states have since repealed the law. The cities in which the plan is in operation range from small cities of 1800 population, such as Santa Monica, California, to large cities of 600,000 population, such as Cleveland, Ohio. San Francisco adopted the plan at the last election. The larger cities where it is in use, in addition to the two above named, are: Columbus, Ohio; Portland, Oregon; Trenton and Hoboken and Jersey City, New Jersey; Houston, Texas; and Spokane, Washington. It was repealed in Denver last year when the commission form of government was overthrown, and in Duluth, Minnesota, by a decision of the Supreme Court which declared the preferential ballot invalid under the Minnesota constitution.

#### ADVANTAGES OF PREFERENTIAL BALLOT

The chief advantages of the preferential ballot are these:

1. *It tends to promote nominations and elections by a majority instead of plurality or minority.* This point has been fully discussed already.

2. *It permits greater economy in elections.* Where it is used in municipal elections it has made primaries unnecessary. It takes the place of the primary. For example, in San Francisco, where the elimination primary preceded the election, the voters last month adopted the preferential ballot, repealed the provisions for a primary and will thus save the taxpayers approximately \$50,000 at each municipal election. Cleveland, by eliminating the primary, saves from \$35,000 to \$40,000 every two years in its election expenses.

3. *It tends to elect the best or one of the best of the available candidates.* Under the preferential system, the

honest voter has an opportunity not only of helping to elect the candidate of his choice but of defeating at the same time incompetent or undesirable candidates. Furthermore, the prejudiced or narrowly partisan voter, after he has expressed his first choice for his friend, or the candidate of his party, his lodge or his union, will normally cast his second choice for the candidate who he knows will work for the good of the whole electorate. This means a second or third choice vote for a better candidate than his pledged first choice.

4. *It tends to confuse those party leaders who have been accustomed to gauging accurately the strength of various candidates and of electing the man who best suited their aims and purposes.* That is why the party leaders everywhere are either openly or secretly against the preferential ballot. It is a tool which they cannot use with the same accuracy and safety as the double election system. "Plumping" or "single shooting," i. e., the plan by which they centered all of their strength on one or two candidates where several are to be chosen, will not work very well under the preferential plan.

For example, in Portland, Oregon, at the first election under the preferential ballot there were 74 candidates for the four commissionerships under the new charter. Many of these candidates were injected into the campaign for no other purpose than to divide the strength of the honest vote. Speaking of the election and its results, W. S. Uren of Portland writes:

There were seventy-four candidates. They included, along with a modicum of very good men, about every species of undesirable, from strong and experienced machine politicians to saloon hangers-on and ticket takers at five cent movies.

A voluntary committee of citizens published impartial biographies of them all, and late in the campaign, in response to an urgent popular demand, indicated the twelve whom they considered the best. The twelve were all excellent men, but only one of them received enough first choice votes to have elected him if the old plurality system had been working; but by use of the second and third choices the tables were

turned. The candidates were all from among the twelve named by the committee and by the consensus of intelligent opinion among the very best of them.

The Oregon Journal, a few days after the election, said:

The old line politicians, in their alleged wisdom, at once figured that the new system could easily be beaten by voting only first choices. A casual reading of the results in this election is sufficient to show that the lesson has been well taught. We shall hear very little advocacy of "single shooting" hereafter.

Another form of "plumping" or "single shooting" was attempted at the last Cleveland mayoralty election, which acted as a boomerang on the candidate who suggested it. Mr. Witt, the candidate of the Democratic group, urged his friends to vote only first choice votes, hoping by that means to insure the defeat of the Republican candidate. The results showed that his friends followed his advice because he received only 3585 second choice votes as against Mr. Davis's 8536, and only 1492 third choice as against Mr. Davis's 2321—a difference of nearly 6000 votes. There were six candidates in the field. While Mr. Witt received 39,000 first choice votes as against Mr. Davis's 36,000 first choice, neither had a majority. So the second and third choice votes were added and resulted in the election of Mr. Davis. If Mr. Witt had said to the voters: "Now, Mr. Voter, I should like very much to receive your first choice vote, but if you feel that you cannot give me your first, your second or third," he would have received enough additional second and other choice votes to have elected him. The preferential ballot encourages absolute fair dealing on the part of candidates and party leaders with the electorate. It does not lend itself easily to political tricks or to abuse or misapplication.

5. *The preferential system by eliminating the primary will greatly reduce the expenditure of time, energy and money by the candidates themselves.* Candidates should be considered even if they are running for office. The double election system compels them to make two campaigns instead of one,



stretches the campaign out over a five or six months period instead of five weeks, and encourages the candidate, if nominated, to a reckless expenditure of hard-earned money in the election, in order to win against his single competitor. The double election system, with all of its waste of time and money, deters many good citizens from offering themselves as candidates for public office. The preferential system minimizes this waste of time, energy and money.

6. The preferential ballot tends to lessen the bitter animosities engendered under the single choice system. Under that system the voter has but one choice, hence the chief object of each candidate is to weaken or belittle the other candidate in the eyes of the voter. Fortunately, candidates recognize a different code of ethics in a political campaign from that which is in force in the ordinary social and business dealings. Were it not so, the hard things said of each other by competing candidates would make them life-long enemies.

But under the preferential plan, since a second choice vote is quite acceptable to a candidate if he cannot receive the voter's first choice, he is less likely to make these unfair attacks and say the harsh things which he would otherwise say against a candidate, whose friends he seeks to cultivate.

#### CHARGES AGAINST THE PREFERENTIAL SYSTEM

The opponents of the preferential ballot usually aim four objections against it, namely:

(a) It is too complicated for the average elector to vote intelligently.

(b) It confuses the counting and takes too much time to secure returns.

(c) The average voter nullifies the system by not exercising his second or other choices.

Experience is the best answer to these charges. As to the first, "Does the complexity of the ballot confuse the voter?" In Cleveland the election authorities who were opposed to the innovation have admitted after each of the

two elections held under the system that the number of defective ballots was no greater than under the old single choice system, and the voters have voted it quite as easily as under the old system.

The secretary of the Commercial Club of Duluth said: "Naturally there were some mistakes in voting, but the number of defective ballots was not great considering the number of candidates (sixty candidates for seven places)." The mayor of Portland writes: "No confusion worthy of the name ensued as a result of the preferential plan. What little confusion there was resulted from the multitude of would-be mayors and commissioners which aggregated a total of seventy-four for the office of commissioner." The Portland Oregonian wrote the next day: "There was a surprisingly small amount of confusion. It is declared that no election ever held in Portland has been more successfully conducted and never have there been fewer tangles." The Portland Journal said: "The preferential vote came out with flying colors. It appears to be better than the direct primary and saves the cost of an extra election. Out of a field of seventy-four candidates for commissioner, four of the most promising were elected."

As to the second charge—"the confusion and delay in counting." In Cleveland the count is made in practically the same time as under the old plan. At least the returns are in in time to enable the newspapers to announce the result in the morning papers the day following the election. The secretary of the Spokane Chamber of Commerce says: "The election officials found no difficulty in counting the ballot." Portland reports no confusion and no difficulty in counting the ballots. In fact, nowhere except in Minnesota and Wisconsin state primaries, where they had only a half-way preferential system, have I found that any material confusion or delay resulted from the use of the preferential ballot. The

absence of confusion and delay is especially true of those cities which use the system in the election and not in the primary.

Third charge—"Do the voters exercise the right of a second or third choice?" Here again experience is the only answer. In the two states above mentioned, Minnesota and Wisconsin, where the people were unacquainted with the principle involved and where only first and second choices were to be expressed, the people, it seems, did not in any considerable number exercise the second choice. But in the cities where the full preferential system was adopted by a vote of the people after an educational campaign, the number of second and other choices has been large. In Spokane, Washington, in the first election in 1911, 35% of the voters cast second choice votes; in 1913, 54%, and in 1915, 61%. In the one election in Duluth in 1913, 65% cast second choice votes, and 82% cast other choice votes for mayor. In Portland, Oregon, in the first election, 51% voted second choice and 35% voted a third choice.

In the first election for mayor in Cleveland, there were only three candidates, and only two of these were given general consideration; the third, the Socialist candidate, was a negligible quantity, so that the preferential ballot was not really given a fair test. Yet 27% of the voters expressed second and other choices. In wards where there were six or more candidates for the council the second and other choice votes amounted to from 40% to 47% of the total vote cast. In one ward where there were nine candidates, the second and other choice votes totaled 56% of the total.

In the last election in Cleveland, there were six candidates for mayor. A total of 103,229 first choice, 33,585 second choice, and 15,404 third choice votes was cast. The second and other choices which determined the election reached 47% of the total. In the wards the average of second and other choice votes was approximately 51% of the first

choice. In Columbus 59% cast second choice and 71% cast other choices.

These figures from the several cities, it seems to me, refute the charge that the voter does not use the second choice votes. When the voters are aroused they do not fail to use this additional instrument for regulating the choice of competent officials. If they do not use it, then the voting is the same as under the single choice. If they do use it, they have more fully and completely expressed their opinion. Experience shows that the percentage of second and other choice votes cast has generally increased with each election. It is an effective tool to have in reserve for exceptional occasions, especially when its non-use does not retard the ordinary method of selecting public officials.

## TABLE OF VOTES

SHOWING THE ACTUAL RESULTS IN A FEW TYPICAL CASES

## CLEVELAND

*Vote for Mayor—Election 1913*

<i>For Mayor—</i>	First Choice	Second Choice	Other Choices	Total
Newton D. Baker.....	41,286	3,547	1,553	46,386
Harry L. Davis.....	36,126	3,926	1,805	41,857
Joseph E. Robb.....	5,737	9,270	2,596	17,603
<b>TOTAL .....</b>	<b>83,149</b>	<b>16,743</b>	<b>5,954</b>	<b>105,846</b>

*Vote for Mayor—Election 1915*

Harry L. Davis.....	36,841	8,535	2,321	47,697
Richard Koepfel .....	467	411	985	1,863
Minor G. Norton.....	14,271	8,544	3,600	26,414
C. E. Ruthenberg.....	6,014	4,697	2,522	13,233
Chas. P. Salen.....	5,801	7,813	4,484	18,098
Peter Witt .....	39,835	3,585	1,492	44,912
<b>TOTAL .....</b>	<b>103,226</b>	<b>33,585</b>	<b>15,404</b>	<b>152,217</b>

## COLUMBUS

*Vote for Mayor—Election 1915*

Carter .....	5,098	7,820	2,584	15,502
Collison .....	142	296	3,104	3,542
Heer .....	2,770	3,285	5,141	11,196
Karb .....	16,873	1,714	1,190	19,777
Neff .....	564	1,030	4,449	6,043
Park .....	1,241	1,626	5,263	8,130
Ross .....	284	439	3,021	3,744
Sartain .....	4,596	3,835	4,764	13,195
Warner .....	10,882	5,435	2,257	18,574
<b>TOTAL</b> .....	<b>42,450</b>	<b>25,680</b>	<b>31,773</b>	<b>99,703</b>

## PORTLAND

*Vote for Mayor—Election 1913*

Kellaher .....	2,564	3,569	4,188	10,321
Rushlight .....	16,024	3,004	1,780	20,808
Albee .....	21,314	4,126	1,527	26,967
McKenna .....	3,514	12,313	4,242	20,096
Smith .....	1,789	1,422	2,526	5,723
<b>TOTAL</b> .....	<b>45,205</b>	<b>24,434</b>	<b>14,263</b>	<b>83,902</b>

## SPOKANE

*Election—1913**City Commissioner*

Bigelow .....	2,014	2,653	507	5,174
Cassatt .....	240	584	349	1,173
Coates .....	7,079	930	159	8,168
Denham .....	128	416	323	867
Fleming .....	4,601	4,204	309	9,114
Funk .....	5,242	2,796	346	8,384
Gamble .....	813	1,733	631	3,177
Gorman .....	1,156	1,463	472	3,091
Haden .....	4,526	2,009	290	6,825
Martin .....	2,603	960	316	3,879
McBoone .....	7,592	1,755	234	9,581
Smith .....	460	804	514	1,778
<b>TOTAL</b> .....	<b>35,454</b>	<b>20,301</b>	<b>4,450</b>	<b>61,211</b>

## CONSTITUTIONALITY OF PREFERENTIAL BALLOT

An additional objection which is frequently raised against the preferential ballot is the question of its constitutionality, the claim being made that when the state constitution grants to every male citizen the right to vote at all elections, it means one vote and not two or three. In two recent decisions, one in Minnesota and one in New Jersey—two states in which the facts were similar and under similar constitutional provisions—the supreme courts of the two states have reached exactly opposite conclusions. The Minnesota supreme court held the provisions of the Duluth charter unconstitutional, while the highest court in New Jersey held similar provisions constitutional.

In the case of *Brown v. Smallwood* (130 Minn. 492), the Duluth case, the court said: "When the constitution was framed, and as used in it, the word 'vote' meant a choice for a candidate by one constitutionally qualified to exercise a choice. Since then it has meant nothing else. It was never meant that the ballot of one elector cast for one candidate could be of greater or less effect than the ballot of another elector cast for another candidate. It was to be of the same effect. It was never thought that with four candidates one elector could vote for the candidate of his choice, and another elector could vote for three candidates against him. The preferential system directly diminishes the right of an elector to give an effective vote for the candidate of his choice. If he votes for him once his power to help him is exhausted. If he votes for other candidates, he may harm his choice but cannot help him. Another candidate may vote for three candidates opposed to him. The mathematical possibilities of the application of the system to different situations are infinite." \* \* \* Continuing, the court said: "When a voter votes for a candidate of his choice, his vote must be counted once, and it cannot be defeated or its effect lessened except by the vote of another elector voting for one. A qualified voter has the constitutional right to record one vote for the candidate of

his choice, and have it counted once. This right is not infringed by giving the same right to another qualified voter opposed to him. It is infringed if such other voter is permitted to vote for three opposing candidates."

The fallacy of this argument is, of course, apparent on its face. The court was clearly laboring under the same delusion which clouds the mind of the man who thinks his second choice nullifies his first choice. The New Jersey judges saw clearly through this question when they said (in *Orpen v. Watson*, 87 N. J. L. Reports 71):

"It is only the choice votes which go to make a majority that are counted as effective votes, and as no voter can vote for the same person but once in expressing his different choices, he can in no way cast more than one vote which can be counted for each office to be filled, because none of his other choice votes enter into or influence the result. If the person for whom he votes as his first choice has a majority of that class of votes and recourse is not had to the second choice votes, no second choice votes of his have any effect, and so, if his second choice votes enter into the majority, all of his first choice votes are void so far as they affect the result. It is perfectly clear that under this method of canvassing votes to ascertain where the majority rests, the ballot of any voter can only be counted once for any one candidate. Therefore the voter has not cast a vote for two persons for the same office in violation of any implied prohibition of the constitution on this subject."

The State of Washington supreme court (in *State v. Nichols*, 50 Wash. 508) took a similar view on this question of a second choice meaning two votes for an elector. The court said, in effect, that the legislature had the authority to compel the voter, if he wanted to vote at all, to vote for a second choice, so that in case his first choice did not receive more than a forty percent rate, the second choice should be used to determine the nominee. The court said: "The elector has the utmost freedom of choice in casting his first

choice ballot. \* \* \* It was entirely competent for the legislature to provide that a candidate receiving less than forty percent of his party vote should not be deemed the nominee, and with such provisions in the law, it was incumbent on the legislature to provide some other method of nomination whenever a candidate did not receive the necessary votes on first choice. It might have provided a second primary."

In other words, the legislature sought to secure the nomination of majority and not minority candidates; and it sought to accomplish this at one primary instead of two, by requiring the voter to express a second as well as a first choice; so that, if a first choice failed, the canvassing board could turn to the voters' second choice without the expense of a second primary.

Naturally, the question arises in your mind, "Would the preferential ballot be valid in Illinois?" In general the courts of this country have sustained laws which have sought to make effective the elective franchise, and they have been loath to interfere with the law-making body, except when the legislature has attempted to change the effective character of the vote by making discrimination between the various electors, or by making the voting strength of one greater than that of another. As long as there is absolute equality between the voters, the courts have generally refused to interfere. The preferential ballot makes absolutely no discrimination and maintains entire equality as between voters. It seems to me that in a state where the constitutional provisions do not directly inhibit such exercises of legislative authority, the General Assembly has power to establish the preferential ballot in primaries or elections, or both.

But the Illinois courts have already recognized the broad powers of the legislature in matters of election. In the case of *People v. Nelson*, 133 Ill. 365, the court held that: "Since there is no restriction upon the General Assembly in regard



to the mode of electing drainage trustees, it was discretionary with it to provide for their election by cumulative voting."

Of course, preferential voting is entirely different from cumulative voting. Under the cumulative plan, the voter can cast three choices for one candidate. Under the preferential system he can cast only one choice for any one candidate, and no amount of adding of second or other choices ever gives him more than one effective vote. If the Illinois courts permit the use of cumulative voting under the Illinois constitution, in the selection of minor officials, then certainly they would permit the introduction of the preferential system in which there is no double voting.

The preferential ballot is an effort to make most effective the processes of democracy. It is an attempt to overcome that species of disfranchisement in the single choice plan which permits only a partial expression of the will of the voter. Under that plan, if there are six or more candidates the voter is denied the opportunity of expressing any opinion on any except the one of his choice. These other opinions he must keep to himself. There may be three other candidates almost as satisfactory as the one for whom he votes, and two thoroughly bad ones; but the voter after he has made his choice is bidden to hold his peace in regard to these others.

Democracy is going to attain its best form only when it has provided for the fullest and freest expression of public opinion. The preferential ballot is an effort in that direction. It is not a panacea. It is an opportunity. Like all good devices of democracy, it will not work satisfactorily unless the electorate uses it accurately and toward the promotion of the object for which it was designed. Experience in its actual use has thus far shown that it can be so used. Longer experience will make it more effective. It is, I believe, worthy of longer trial and more general adoption.

## LAW ENFORCEMENT AND HOME RULE

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The importance of law enforcement is admitted by everyone, even by those who are most strongly in favor of home rule. It must be recognized, however, that the prevalence of the idea of home rule sometimes has an adverse effect upon the enforcement of state law. The present paper is intended to deal with certain phases of the subject suggested by the prevalence of the idea of local home rule and the influence of this idea upon the enforcement of state law in the various localities of the state.

State laws, like all Gaul, may be divided into three parts or classes. In the first place, there are laws which are, in the main, enforced, and may therefore be said to be "alive". In the second place, there are laws which, because of changed conditions, ineffective machinery or other reasons, are not enforced, and are commonly called "dead". And, in the third place, there are laws which are neither dead nor alive, but in an intermediate state, similar to that of a trance, from which they occasionally and unexpectedly awake, to the consternation of the mourners. Those who are suddenly assailed by a law which seemed to be on the point of being buried are naturally somewhat disconcerted, and are frequently exceedingly indignant at the impropriety of such conduct. These returns from the other world are considered to be in very bad taste. The recent spectacular announcement of Mayor Thompson of Chicago, which had the effect of resuscitating the supposedly dead state Sunday closing law in that city, for the time being at least, has called public attention anew to the problem of state law enforcement in the localities.

There is, in the states, no close-knit administrative department of justice, but merely a congeries of more or less separate officers, charged by law with certain duties connected with one phase or another of law enforcement. It is natural

that, under these conditions, effective cooperation between the various officers and authorities is not always to be found. Thus, conflicts may arise with respect to the enforcement of anti-liquor or anti-vice laws between the law-enforcing officers of a county and of a city located within the county, as well as between state and local officers. In Cook County, Illinois, there are about a score of distinct governing agencies, most of them being largely independent of each other. Under these circumstances, conflicts between local law-enforcing officers, such as mayor and state's attorney, are the natural result, particularly when they belong to opposite political parties or factions. It may be noticed parenthetically that the cumbrousness and duplicated machinery of local government seriously complicate the question of granting complete local home rule. The more complicated the machinery of government, the less efficient it is likely to be, and the less efficient it is, the less safely can it be entrusted with important governmental functions.

Under the Illinois Cities and Villages Act, the mayor has the same authority as the sheriff to preserve peace and enforce order. If there is an understanding as to a proper delimitation of authority between these officers, this provision may work no harm, but, on general principles, it is not usually wise to entrust the same functions to be exercised by separate and independent officials in the same territory. The result of such a provision may sometimes be that responsibility is divided, and an opportunity is provided whereby local officials may engage in the unedifying pastime of "passing the buck" in an attempt to shift responsibility for lawless conditions. Thus, internal conflict arises between the various law-enforcing authorities, and the result is lack of cooperation, dissipation of energy, and the frequent evasion of the law by those who should be brought to justice. When this result takes place, the people do not usually know whom to hold responsible, for the force of public sentiment, instead of flowing

full and strong in one effective channel, is rendered ineffective through dissipation among many channels. The separation of powers and the duplication of governmental machinery place, in ordinary times, too great a task upon public opinion for it to perform.

In general, the state has legally full power to determine the measure of home rule with which the localities shall be entrusted. The determination of the exact measure of home rule is a question of public policy and expediency. There may be cases where it is for the best interests and welfare not only of the locality in question, but also of the state as a whole that such locality enjoy a larger measure of home rule than the law, as it stands, allows. Under these circumstances, if the locality is powerless to obtain an alteration of the law, it may perhaps, with some show of justification, secure the same end by virtually suspending the operation of the law within its jurisdiction. The exercise by local officers and authorities of the power to suspend state laws may take on a color of justification on the ground that it affords a measure of home rule and local self-government to an extent which is denied under the terms of the existing law.

The legal position of cities in relation to the state in most parts of the country has sometimes been denounced as one of legislative bondage. From the standpoint of a mere consideration of the terms of the law, this is true, but it has not been sufficiently taken into account that, from the practical standpoint, such bondage is by no means complete. This condition arises in part from the practice of legislatures in passing laws relating to the localities, but entrusting the enforcement of such laws to the very localities against which they are to be enforced. The natural result is that, in many cases, they fail to be enforced, and thus, in spite of the legal supremacy of the state government, there may be practically a considerable measure of home rule.

Whatever justification there may be, however, for the exercise by the localities of the power to suspend laws with

respect to purely local matters, there is no justification for the exercise of this power with respect to laws the enforcement of which is of concern to the whole state. It may not be easy to draw a sharp line between purely local matters and those of state-wide concern, but about many matters there can be little doubt. "When," says Professor William Bennett Munro, "the police administration of a large city has come to be hopelessly honeycombed with the by-products of local politics, so that the laws of the state stand disregarded, it is idle to urge that legislative interposition in the interest of law and order must be forever forestalled by some dogma of political *laissez-faire*."<sup>1</sup>

The exercise by localities within the state of the dispensing power may result in the practically open defiance of state law. Thus, the city of Denver adopted an amendment to its home rule charter, purporting to give the city the right to regulate the sale of intoxicating liquors and to sell liquor licenses extending beyond the date when the state prohibition law was scheduled to take effect. In 1874, the Chicago city council repealed the Sunday closing ordinance which Mayor Medill had attempted to enforce. This action of the council was a virtual notice to the state that there was no intention on the part of the city government to enforce the state law in that city. The council flung down the gauntlet to the state, but the challenge was not accepted, and the state has weakly contented itself with a policy of inaction, neither repealing the law nor providing any effective means for its enforcement. What virtually amounts to a referendum on the question of the enforcement of this law has been afforded in practically every recent mayoral campaign in Chicago, for candidates have pledged themselves to disregard this law if elected, and no candidate has had much chance of election who did not give such a pledge. A former mayor of Chicago recently made the public statement that during more than twenty years while he and his father occupied the mayoral

<sup>1</sup>Government of American Cities, p. 60.

chair, they had both construed the Sunday closing law as a dead letter, believing that their attitude represented the majority sentiment of the community. Practically, therefore, the state law was nullified and an illegal or extra-legal form of local option, veto power or home rule was afforded the city with respect to this law.

Several years ago, State's Attorney Healey of Cook County attempted to enforce this law and tried many cases, but was not able to secure a single conviction because the juries either disagreed or acquitted the defendants in the face of almost conclusive evidence. The effectiveness of the jury system as a weapon of defence against the enforcement of a state law which is obnoxious to a particular locality is especially noteworthy in Illinois, on account of the antiquated provision that in criminal cases the jury shall be the judge both of the law and the facts. It may be pointed out, in passing, that the injunction and abatement law, passed at the last regular session of the legislature, and commonly known as the Kate Adams law, derives much of its effectiveness from the fact that it dispenses with the necessity for a jury trial in cases involving the suppression of disorderly houses, and substitutes therefor the action of the equity branch of the courts.<sup>2</sup>

In 1909 an attempt was made by the Chicago organization known as the United Societies for Local Self-Government, to have the question of Sunday closing in Chicago submitted to an advisory vote of the people under the public policy law. When the plan was contested, however, the court declined to allow the question to be submitted on the ground that it was not a proper question of public policy. Mr. Victor S. Yarros, of Chicago, writing in a recent number of the *National Municipal Review*, says: "A direct referendum on Sunday closing is apparently impossible, for how can you submit, at public expense and under public authority, the question

<sup>2</sup>This law has been upheld as constitutional by the state supreme court. *People vs. Thrasher*, 275 Ill., 256.

whether a state law held by the courts to be valid and live is or is not to be obeyed by mayors and other local executives?"<sup>a</sup>

Nevertheless, something very similar to what Mr. Yarros calls "apparently impossible" actually occurred in this state in 1911, when the people of Springfield voted on the question of Sunday closing on a referendum provided under the commission form of government act. By a vote of two to one they decided that the Sunday closing ordinance should not be enforced in that city. In reference to this matter, Mayor Schnepf of Springfield said, "I am a firm adherent to the principle of the inherent right of the people to govern themselves, and I am convinced that the majority of our people are opposed to Sunday closing." On the day after the election the Springfield State Register said: "By a decisive vote the ordinance submitted to the will of the people was defeated yesterday by the voters, who are the supreme authority of this municipality." No mention whatever was made of the state Sunday closing law.

I am not here concerned with the merits of the Sunday closing law, but merely with the question as to whether it is good policy to maintain on the statute books a law which, under present conditions, and with the machinery provided, is practically unenforceable in many parts of the state. For the legislature to do nothing either by way of allowing localities the option of suspending the operation of the law within their jurisdictions, or of providing adequate machinery to carry the law into effect, is to assume an extremely anomalous position.

In 1894, Governor Altgeld of Illinois, in protesting against the action of President Cleveland in sending federal troops into this state to enforce federal law, maintained that such action was a violation of the fundamental principle of local self-government. Opposition to state interference in the localities to enforce state law has sometimes been based on the same ground. When the states undertook to nullify federal law, the very existence of the Union was threatened, and,

<sup>a</sup>Vol. V, p. 79.

were it not that no question of sovereignty is involved, the practical nullification of state law by the localities would bring the state face to face with a similar problem. To repeal the laws which are being nullified would be to publish to the world the shame of the state's weakness. Hence the demand is for new laws, more detailed and stringent, to assist in the enforcement of the old. Thus the state, having still more laws to enforce, but without adequate machinery to that end, sinks deeper and deeper into the deplorable morass of lawlessness. In desperation, it has sometimes even been suggested that the charters of boroughs and municipalities in which flagrant violation of state law occurs, should be revoked and municipal home rule thus entirely abolished.<sup>4</sup>

"Two main difficulties stand in the way of reaching a correct solution of the problem of state law enforcement in the localities. In the first place, under existing state legislation, there is a conflict between the will of the state as embodied in such legislation and the will of the locality in regard to the expediency of such legislation as applied to itself. Unfortunately, it frequently happens that the state undertakes to regulate by law matters in regard to which uniformity of policy is not essential to the well-being of the state, but which are in reality primarily local matters. Under these circumstances a proper consideration for the interests and sentiments of the localities would require the transfer to them of power to regulate such matters to suit themselves. For the solution of this difficulty, therefore, a broader legislative power should be granted to the localities than they now possess, somewhat similar to that which they enjoy in countries of Continental Europe; while state legislation should be confined to the regulation of matters which are of state-wide concern, or in which state-wide uniformity of policy is essential to efficiency of administration.

<sup>4</sup>Message of Governor Tener of Pennsylvania, 1913, p. 9.



"The second main difficulty, which stands in the way of reaching a correct solution of the problem of state law enforcement in the localities, lies in the fact that the officers who are charged with the duty of enforcing state laws are frequently charged at the same time with the performance of purely local functions and through the method of local election are for the most part subject only to the control of the localities. Under these circumstances, such officers play a dual rôle and owe a double allegiance, and if they usually act as though their primary allegiance in case of conflict is to the locality at whose behest they hold their offices, and fail to enforce a state law to which local sentiment is hostile, such a result is only a natural consequence of the position in which such officers are placed. To remedy this situation, two principal solutions may be suggested, and have been to some degree adopted. The first solution is to place such local officers under state control. This object may be effected in various ways, such as by taking their selection out of the hands of the localities and subjecting them to the direct appointment and removal of central administrative authorities. In this way the officers charged with the enforcement of state law will be brought under the pressure of responsibility to state-wide public opinion, which would ordinarily be more favorable to the enforcement of state law than would be the sentiment of many localities. To this solution of the second main difficulty, however, a legitimate objection may be urged. Since no new officers have been created, the law-enforcing officers who, by this proposed solution, have been placed under state control are still charged with the performance also of certain purely local functions. Moreover, proper regard for local interests requires that each locality should have some voice in the selection and control of those officers who perform in that locality functions of a purely local character, while, at the same time, due consideration for the interests of the state requires that the state should control the officers charged with the enforcement of laws of extra-local concern.

"A better solution of the second main difficulty, therefore, would consist in the separation of state and local functions and functionaries. Local officers, charged with the performance of local functions, should continue to be chosen and controlled by the localities, but should be shorn of all except local functions. For the regulation of matters of extra-local concern and for the enforcement of laws and the performance of functions in which the state as a whole is interested, state machinery and state officers should be created, who should be subject to the immediate control of central administrative authorities. Such new state officers would not necessarily exercise jurisdiction over districts corresponding exactly to the existing local political subdivisions of the state. Upon the supposition that the first main difficulty, enumerated above, has been met by a proper delimitation of the respective boundaries of state and local legislative power, the adoption of this proposed solution of the second main difficulty would bring about a situation in which local ordinances would be enforced by local officers while state laws would be enforced by state instrumentalities. Under these conditions, the state might avoid the imputation of facing two ways, of enacting laws and then not providing the machinery necessary to their enforcement."<sup>5</sup>

In the absence of any regular, ordinary state machinery for the enforcement of state law, that function rests primarily with the local law-enforcing authorities. "The enforcement of police laws," the attorney-general of Illinois has held, "does not belong to the governor as the chief executive officer of the state, but belongs to the officers elected for that purpose in conformity with the provisions of the constitution. The constitution does, however, contemplate that when the regular administration of the law through the courts of justice is interrupted by violence or civil commotion, the governor may, by the military arm of the government, enforce the law. Un-

<sup>5</sup>J. M. Mathews, *Principles of American State Administration*, pp. 430-432.

til such event occurs, the law is enforceable in the regular way, through the courts, and the governor has nothing to do with its enforcement except where that duty shall be especially enjoined upon him, either by the constitution or by some statute."<sup>6</sup> It scarcely seems necessary, however, that the duty should be specially enjoined upon him, but merely that the power should be specifically granted to him. The attorney-general of Illinois has also intimated that the constitution and statutes do not contemplate any interference on the part of the governor if local officers should merely refuse or neglect to enforce the law, but only where civil commotion renders them unable to enforce it.<sup>7</sup> This, however, seems to be too narrow an interpretation of the governor's power, and would frequently prevent the governor from using practically the only means at his disposal to cope with a condition of widespread lawlessness due to the fact that the local authorities, charged with the enforcement of the laws, are in sympathy with the lawless element.

It seems evident that, for the regular and permanent enforcement of state law, some state machinery of enforcement is needed in addition to the power of the governor to call out the militia. On account of the notorious violation of the Sunday closing law in Kentucky, that state has found it necessary to strengthen the method provided for the enforcement of the law. By an act of 1916, it is provided that if local officers, such as the sheriff, mayor and chief of police, fail to enforce the Sunday closing law, they may be prosecuted by indictment or penal action and, upon conviction, shall suffer forfeiture of office. In case the local prosecuting attorney shall fail to institute proceedings against such derelict local officials, the governor may direct the attorney-general to do so in the same manner and with the same authority as the local prosecuting attorney would have to prosecute such action. In order to minimize the influence of local sentiment

<sup>6</sup>Opinions of the Attorney-General of Illinois, 1905-6, p. 371.

<sup>7</sup>Opinions, 1905-6, p. 372. But see *ibid*, 1913, p. 81.

adverse to the enforcement of the Sunday closing law, it is provided that the state or prosecution shall be entitled, equally with the defense, to a change of venue.<sup>8</sup> This Kentucky statute is an apparently honest attempt on the part of the state to fulfill its obligation to enforce its laws. The provision of some kind of state administrative machinery of enforcement, however, would probably be a more effective measure.

Local sentiment does not readily tolerate complete state centralization of law enforcement in the localities. In the cities, the feeling in favor of the maintenance of the principle of home rule is stronger than in the rural districts, and, moreover, the cities are better policed by their local constabularies than are the rural districts. The principle of home rule requires that the city police should be appointed, officered, and governed by local authorities. To the extent that the functions of the city police consist in the enforcement of local ordinances, the principle of home rule should be preserved. But city police are also charged with the enforcement of state laws. The latter functions should be transferred to state controlled agents if experience shows that the locally controlled police cannot be depended upon to perform them, or else the city police should be placed under state supervision. The state might do well to set up a standard of efficiency for municipal police forces and exact a penalty from those cities whose forces fall below the standard, while granting aid to those whose forces meet or surpass such standard. For a short time during the Civil War, the police of Chicago were under state control.<sup>9</sup> From time to time since then, bills have been introduced in the Illinois General Assembly to establish a state board of police commissioners to control or supervise city police forces, but have failed of passage. A number of other states have experimented successfully with state constabularies and with metropolitan police boards.

<sup>8</sup>Kentucky Session Laws, 1916, chap. 14.

<sup>9</sup>Illinois Public Laws, 1861, p. 151.

We may sum up this discussion as follows: It seems evident that, with regard to some laws now on the statute books, the legislature should do one of three things: first, repeal the laws; or, secondly, allow the municipalities, in a regular and legal manner, the option as to whether or not such laws shall be enforced within their boundaries; or, thirdly, retain the laws upon the statute books but provide adequate machinery for their enforcement. The question as to which of these three plans shall be adopted is one with which we are not here concerned. If, however, the last plan should be adopted and the state should definitely assume the responsibility of enforcing its own laws, the most effective means to this end would seem to consist in the establishment of central administrative agencies for the supervision of local law-enforcing officers or even for the direct enforcement of state law.

## THE COMMITTEE CHAIRMAN IN MUNICIPAL ADMINISTRATION

ALDERMAN L. E. ROBINSON, OF MONMOUTH

The evolution of the committee chairman in American government has been from the beginning an open recognition of the principle of concentration in the interest of effective administration. Resort to the committee system was the necessity of the Continental Congress in its union of legislative and administrative functions. Under the constitution, with a congress of two houses, recourse to the committee and its chairman has been so thorough as practically to give them autocratic possession of the business of legislation.

Indeed, the committee system has had in it all along the tacit acknowledgment that legislative and executive functions cannot be properly or easily divorced. The intent of the founders to limit so sharply the point of contact between the law-making and law-enforcing spheres of government sprang from their fear of reciprocal disadvantage rather than from their apprehension of its efficiency. Democracy was so deeply their prime concern that they hoped to forestall the very result of cooperation between these two spheres which the years are tending to bring about. The American President gathers more and more the functions of an English prime minister, while the committee chairman more and more works with him to influence his policy and control those proposals that become law. In nation, state, and municipality, the committee with its increasingly powerful chairman has become the norm of legislative organization and political control.

The necessity for dispatching work created the committee; the necessity for administering the work done by the committee created the executive chairman. Experience showed that many details of committee responsibility could be discharged with greater expedition by the chairman, acting alone. Being the spokesman of the committee on the floor of the deliberative body, large or small, he has gradually come to absorb

the administrative share of its obligations. The scope of his prerogative has made him, in many matters of practical administration, the co-ordinate of the legal executive. It is no longer unusual to find a chairman and the executive sharing the actual management of public affairs in one or more directions. This has been a natural development in municipalities. A city council, with a single chamber, presided over by the mayor, has inevitably made the sanctions of the legislative and executive functions reciprocal. Doubtless there is everywhere a preponderance of responsibility exercised by the mayor relatively to that shared by the leading chairmen. This is sometimes true in matters of legislation, even. The extent of power wielded on either side falls where the larger share of knowledge, industry, and personality resides. Either side suffers in potency by its lack of force of character.

There is little chance of determining the personality of chairmen under the aldermanic scheme. The matter rests ultimately, of course, with the electorate; but the electorate is more or less handicapped by the contingencies of ward politics and party government. This influence will creep in at times in the exercise of legislation, in the administrative functions of the chairman, and in the executive activity or non-activity of the mayor. The influence of politics, however, apparently grows less perceptible with the gradual passing of prejudice against the assumption of civic duty on the part of the best equipped men of the community. But the strongest resistance to "politics", when we use the word in quotation marks, is found in the chairman who has in his vocational life been accustomed to bear burdens for others, as is often the case in business management or professional experience. A chairman with such a spirit of service, finding as he usually does that his busy colleagues on the committee are willing to escape the inconvenience of a formal and possibly prolonged consultation, comes more and more to make the telephone answer the requirements of a personal conference. The mayor, often recognized as *ex-officio* member of the committee, is called

into cooperative action by the chairman, and together, in the interval between council meetings, they execute the requirements of the legislative body.

Although the mayor, in making up the list of his committees, usually seeks for chairmen the most capable men within his party, the whole scheme of administration is rendered awkward and more or less sluggish by the existence of too many committees. In many municipalities there are more committees than members of the council. There may be ten members and eleven committees, or eight members and thirteen committees, with, of course, as many chairmen. Some members must therefore become chairman of more than one committee. I venture the proposition that, irrespective of the size of the municipality, a much more effective administration would be enjoyed by a reduction of the number of committees to not more than five or six; perhaps not more than three in towns of less than 10,000 population. This would be for the purpose of making the chairmanship a function of increased responsibility, with somewhat increased compensation. If we would increase the importance of the chairmanship we should not only invite the appointment of the best members as incumbents, but the policy itself would operate to attract abler men to enter and remain in the service of the city. Nothing will more effectually break down petty party divisions in a city than the response of its capable men to serve upon the council, whether under the aldermanic or the commission-manager form. Every capable chairman is a spur to the mayor as well as to every other chairman.

The committee would then exist for advisory purposes when desirable, as now; and the council would be more and more restricted to its proper function of legislation and its service as a general clearing house for the reception of reports and the focal point of municipal public opinion. I do not propose this alteration of the aldermanic plan as an alternative to the commission-manager plan, but as a possible improvement of the aldermanic scheme wherever by the will of the electorate it appears to be strongly intrenched. Judging



from the progress of the commission plan during the past year or two, the old system bids fair to enjoy an indefinite lease of life. In a town of ten thousand pious inhabitants, I have been connected with two hard-fought campaigns to supersede the old plan with the new, without avail. In spite of my deference to majority rule, my experience as a councilman and chairman of two committees has convinced me that the too diffusive methods of the present aldermanic scheme might be rendered much more direct and efficacious by the measure of concentration I propose. I merely raise the question for discussion and criticism. I would like to see concentration in a similar manner applied to state government, not to speak of the crying need of it in the nation.

But how, it will be asked, shall we hope for a gain in competent chairmen under a reduced number of committees as long as we maintain the aldermanic weakness of ward representation, which repels responsible business and professional men from accepting places in the council? I am aware that much has been said and written about the indifference of the most capable men in the community to municipal service under the old type of city government. Not all of these apprehensions square with the facts. Indifference is ordinarily encountered in persuading these men to make the initial race for municipal service. Sometimes this is for the reason that they hesitate to add to the burdens of business or professional responsibility. Some shrink from the uncertainties of the party contests or are restrained by the insecurity of official tenure. It must be admitted that if the conditions of municipal service could be freed from many of the disagreeable features in the acquisition and retention, the chief scruples of the supposed best men against sharing its obligations would dissolve.

After all has been said of the discouragements involved in the contemplation of city politics, Aristotle's dictum that man is a political animal remains surprisingly vital to this day. My observation has been that the man of approved business or professional capacity, once engaged in the service of the public, is in the great majority of cases willing to con-

tinue awhile. Whether on the school or the aldermanic board, I have known the so-called best men to engage in the fiercest election contests to retain their positions. Other well-approved men were in the race to supersede them. When the "best men" will strive like Hectors to regain an election to an impecunious local office, it suggests a certain unsoundness in the doctrine that such men are estranged from civic duty because of the form of the government under which they live or the insignificance of the compensation, even. The introduction of worthy men to the duties of political service along the path of a popular election is difficult, whether that service point toward Congress, the state legislature, or toward local government. But as there is no longer a question of willingness among Englishmen and Scotchmen to serve their city, so the same tendency has already set in among our own people.

But once thrown into a place of public trust, nothing challenges the competent man so much as responsibility, nothing discourages him so much as the absence of it. In an aldermanic position, I see little to interest such a man outside of a responsible chairmanship. This conviction would undoubtedly hold good of such a member in either the House or the Senate. If such a chairmanship falls to his lot in the council, he will make himself useful in the administration beyond the requirements of legislation, in itself usually too meager to satisfy a member with energetic sense either of business or of ideals. Thus it happens that capable men in municipal administration attract to themselves the best chairmanships and gradually acquire a certain administrative prerogative through the energetic performance of obligations and the assertion of useful ideas. The more such men participate in the round of municipal affairs, the more their resources compel recognition and create in the public mind a standard of character and competency which reacts gradually in heightening the personnel of the aldermanic body. A body of such chairmen is the greatest influence in developing and individualizing in the public consciousness the conception of a municipal regime. I have

observed a member of the minority party, sequestered in the position of a presumably inferior and harmless chairmanship, convert his position into one of the most useful and publicly recognized agencies of the administration; compared to whom a member of mediocre parts was scarcely in evidence within the body, with even the most coveted chairmanship for his support.

A chairman with too little responsibility to engage his energies may find a useful outlet in springing new matters for the consideration of the council. If his suggestions are well pointed, he can at least contribute an atmosphere of fresh interest to that body, all too prone to lapse into an attitude of mere routine or a feeling that the municipal function is by nature and tradition somewhat petty and commonplace. A real park system or policy to take the place of vacant lots that have long slept unobserved within the wardship of *laissez faire*, makes an interesting proposal for a short time. The municipalization of an ill-supported "city hospital" or the emancipation of a privately supported "public library" will agitate the imagination of the average public servant a trifle, but the new fancy will quickly evaporate unless carefully and continuously stimulated. The economical cooperation of the school board and council, where feasible, for the maintenance of parks and playgrounds, will arouse at least an interesting opposition. A proposal to lend the municipal hall to the purposes of a social center provokes an unwonted delicacy of mental activity and paternal caution for the length of an evening's session. The possibilities of municipal-ownership extension will create a fascinating state of belligerency for the time being. For the stimulation of futile thought and invention nothing is more alluring and elusive than a proposal to enforce the ordinance against speeding. When an actual tragedy occurs, or an event bordering upon tragedy, there will ensue a good deal of really earnest discussion with the possible "important" result of an "investigation". How to make the American policeman ubiquitous and at the same time Teutonic in action is a theme

long-lived and promising for the enterprising burgomaster, the chairman, or any of their colleagues.

We all know that the great majority of our cities have grown up with little organized direction, with just enough proportion between self-government and state control to make the average council complacent and semi-studious of civic well-being. Many, doubtless the majority of them have moved along the lines of least self-effort, just as a child might grow up who had escaped the privileges of training. Much of the self-effort has been stimulated by the necessity of keeping out of the mire of Illinois mud; hence, pavements and sidewalks have been pretty generally provided, to be followed by the after-thought of economy and durability in building them studiously and well. In our publicity enterprises and literature we continue to point triumphantly to our achievements in keeping out of the mud, forgetting that pavements and sidewalks are municipal prudence of the most obvious sort. In municipal activities, ideas are born tardily and disseminate imperceptibly. Private enterprise has begun to take on a sense of architectural taste in the erection of houses, and committee chairmen are beginning to lead, in cooperation with the mayor, in the application of a taste for beauty as well as utility to municipal structures. The next step for the chairman responsible for city property and construction, as well as for the mayor, is to become a student of city planning and of the progress of knowledge in methods and materials used in the economics of building, paving, and lighting. This is not to speak of the all-important matter of economy and efficiency possible in municipal ownership of public utilities. In an investigating tour for my own municipality, I had some insight into the difference in result between the application of actual knowledge to the production of gas and electricity as well as to the handling of sewage and garbage, and the deplorable absence of such knowledge. My own municipality could make an instructive exhibit between the advantage of a municipal water system and the disadvantage of a privately owned gas and electric plant.

As a committee chairman must be looked to as a student of local municipal problems, so he must be alive to the improvements possible in the relations his city sustains to the state. His study of corporations holding franchises from the city, the operation of dairies, the health department, plumbing and electrical concerns, may suggest to him the need of authority to exercise a larger inspectorial supervision over these, or similar concerns manufacturing and selling goods under the protection of the city. One chairman will have special opportunity to study city finances and the limitations and needs of the city budget. My own connection with the finance committee of my city leads me to the conviction that it would probably be wise for the state to authorize cities to levy a two per cent tax instead of the one and one-fifth per cent now authorized by the statutes (chapter 24, Art. 8:111) and to amend the section authorizing a city to anticipate 75 per cent of its income, by limiting the amount to be anticipated to 50 per cent. Cities like individuals legitimately raise their standard of living, and like individuals find that a fixed income is inadequate to the increased cost of a growing standard. Cities are subject also to the rise in prices, and should have an income justly proportionate to the increase of the wealth of its citizens. To have the power of anticipating three-fourths of its general income has tended, in many cities, to create an habitual arrearage, which is not conducive to successful financiering. Another chairman, making a study of traffic experience in his city, ascertains the character of the experience and needs of other cities in traffic matters. He thus comes into possession of clear and well-defined views which will serve him in his relation to the administration of traffic requirements and fit him for influencing desirable modifications. No man is justified in accepting a chairmanship who intends to escape the responsibility of becoming a student of municipal functions.

I believe that every municipality as a matter of right should be clothed with the power to share in the regulation of economic matters in which its citizens have a vital and im-

diate concern. The rural population depending upon the municipality has also a right to local protection against artificial trade situations where these are imposed by producers, or venders, or carriers of goods offered for public sale and consumption. The municipality would afford in many cases the most direct and effective authority for the control of such phenomena. Matters of public health, personal rights, and personal protection against predatory selfishness in market-places are all equally the proper objects of local supervision and regulation to a larger extent than is at present exercised. Our cities should unite in a plea for such additional state legislation as would widen the area of municipal home rule. Not only would the results I have indicated as desirable be more economically and expeditiously managed through municipal action and publicity, but the municipality could be made the unit of information of an economic character which might be made of inestimable public value, if properly handled by the state.

The futility of the state's capacity to furnish speedy and adequate protection against local trade inflations and perversities has been too often demonstrated to evoke defense. Its capacity to act as historian of trade and labor conditions locally is ineffective, and it may be granted without argument that municipalities need to maintain a more efficacious oversight of those concerns that enjoy its license to make, sell, and carry trade products within the bounds of municipal protection. I believe that a weak local self-government nurtures a weak state and national government. I make a plea, therefore, for larger municipal authority to be exercised by a reduced number of chairmen in conjunction with the mayor, and a greater restriction of the council proper to the function of deliberation and legislation. The ideal scheme for the administration of such increased municipal responsibility would be found, in my judgment, in the general adoption of the commission-manager plan; otherwise, in the control of administration by the mayor and a small number of chairmen clothed around with an ample sphere of action and responsibility.

## CITY PAVEMENTS.

(ABSTRACT OF ADDRESS)

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The object of this paper is to call attention to certain conditions well known by most of the members of the Illinois Municipal League, but not always fully appreciated. These may be summed up as follows:—

(a) Good pavements are essential to the business prosperity of a city.

(b) The health and comfort of the inhabitants are largely dependent upon the good condition and cleanliness of the pavements.

(c) There is an almost infinite variety of paving materials and methods of using these.

(d) For any one given locality and condition of traffic there is one best kind of paving, first cost, cleaning, and maintenance being considered.

(e) Large sums of money are being expended annually in each state, aggregating millions of dollars, for laying pavements, for cleaning and for renewals.

(f) A large part of this public money, estimated at from 15% to 50% of the total, is being uneconomically used or wasted.

(g) Such waste is preventable by obtaining and following, as in other lines of business, the advice of experienced men.

(h) The professional service of such men can be had at a cost which forms a small percentage of the preventable losses.

There is nothing particularly novel in the above statements. These facts are being reiterated in various forms in current publications; they are given in textbooks and commented upon in conversation. Yet they must be repeated again and again until the public at large, the vast body of taxpayers, really grasp the full significance, and are ready to back up the city officials in their demand for properly qualified expert aid.

The need in city administration is not only for more money to build good roads, but even of greater importance is the necessity of utilizing the money which is available so as to secure the best results and to maintain the confidence of the taxpayers to the point where they are willing to incur larger costs in the full knowledge that these expenditures will be wisely and economically made.

At this time it is impractical to go into technical details nor would it be desirable to do so. The large point which interests all, however, is the fact that as tax payers, citizens, and officers, entrusted with the welfare of the community, all have a very definite duty to see to it that each expenditure is made in the most economical and effective manner. This does not mean the cheapest way, as the cheapest pavement may turn out to be the most expensive; nor does it mean the most expensive, as this may not yield the satisfaction of a relatively cheap work. Cost alone does not govern. There are many things to be considered.

The wise selection of a pavement, as just noted, governs to a large extent the health, comfort and prosperity of a community. A poor pavement may result in the accumulation of dirt, and aid in spreading disease. If noisy, it distracts the citizens and results in nervous complications. If rough, it forces travel elsewhere and reduces the business prosperity of the section. To the stranger it is an index of shiftlessness or poverty. New industries are driven away or desirable inhabitants move to other parts of the city. There is no one thing perhaps by which a city is judged more than by the character



of its pavements, their cleanliness, and their adaptability to the varied needs of the people.

The building of city pavements is a science as well as an art, and one which is in the making. Although pavements have been laid for centuries and countless millions of dollars have been spent on them, yet it is only within the last few years that the subject has been given searching scientific study and experimentation on details. Beginning with the heavy stone blocks laid by the Romans and progressing up to the granite cobbles so familiar in the narrow streets of the old cities, we have recently branched out in every direction, using a variety of materials previously not even dreamed of, and ranging from the hardest of natural stone on through artificial products of brick and cement up to the softest of materials—aspahltums and oils.

Not only in the materials is there the widest variation, but also in the way of handling these. We have thus an infinite variety of stones, sands, gravels, clays, bricks, cements, bitumens, asphalts, oils, any one of which may be used, but among which there is some one kind or set of materials and some one way of handling which are the best for the particular place in view. In considering this, however, we must bear in mind that the needs of that one place will change and that whereas today on an unpaved street the traffic may be very small, yet with a good pavement the scene shifts, new industries arise, new uses develop, and the material which today is best may be entirely unsuitable next year or the year after. Thus the problem is not a simple one. The number of unknown factors to be considered is very great and we can not simply assume that because a certain pavement in a certain town has been successful therefore a similar pavement will be the best for our needs.

The problem of city pavements is thus not only extremely complicated from natural conditions, but we often have confusion worse confounded by the fact that the planning and selection of pavements are left to men who know nothing

about the subject, who are busily engaged in other occupations, but who feel that because they have been elected to public office, therefore by the grace of the community they must be experts on the subject, and must decide where, how and when a pavement is to be laid. We have a very difficult problem for solution entrusted to men who admittedly are wholly incompetent but who because of personal pride or local prejudice must attempt to determine matters which for satisfactory results can only be settled by experts who have devoted their lives to the subject.

The result of the above described condition is of course inevitable. In every city, big and little, thousands of dollars are wasted in repeating more or less unwise experiments. In the aggregate millions of dollars are thrown away each year throughout the United States and will continue to be thrown away, until that time comes when the people of the United States and of each city, county and town awake to the realization of the fact that election to office does not imply that the man selected is necessarily an expert in all lines of business. It is a curious condition not wholly confined to the United States, but rampant here, that public officials plunge boldly into operations where the best informed men hesitate. They spend the public funds with the best of intentions but with certain failure, simply because in public affairs they neglect to employ the precautions which they habitually use in their own private business.

No one of our elected officials if he were spending his own money would proceed with the lack of information which characterizes his official duties. For example, if he gets into a controversy with his neighbor, he employs the best lawyer obtainable. He does not dictate to that lawyer how the case shall be conducted nor say when, where or how the lawyer shall do the work. If his child is sick he gets the best doctor of whom he has knowledge and follows that doctor's directions implicitly. But if he, as a public officer, has \$10,000 or \$1,000,000 to spend on the difficult, complicated and continu-

ally changing subject of pavements, he immediately assumes that his personal judgment unguided by long experience will be all that is essential, and proceeds to spend the money. The result is that which we see around us in the cities with rough pavements, dirty streets, broken curbs, and a general dilapidated air, not because too little money has been spent, but because it has been spent unwisely.

One reason for this condition is the fact that up to the present time there have been few experts in road making known as professional advisers. The doctors and lawyers have been recognized in their professional capacity for hundreds of years, but the road builders are just coming to the front, so that we can not blame our city officials for not being aware of their existence. More than this, as in any new occupation, there are innumerable pretenders, quacks or "shysters" as they are called in other professions—men who have taken advantage of the lack of knowledge on the part of the public and have worked off various schemes profitable to themselves but wasteful to the community. Perhaps more destructive, more injurious than the quacks have been the well meaning enthusiasts, who, carried away by their very sincerity, have been able to convince the city fathers of the desirability of spending a lot of money on something which has turned out badly.

Assuming that conditions of this kind do exist and that a large proportion, 10%, 20% or possibly more of the money now being expended for pavements is being wasted or ineffectively used, the question is, what should be done? The answer lies in what has above been stated, namely, by following the rules of common sense which have been adopted in every other walk of life. Listen courteously but critically to the advice which is freely offered, by interested parties, by men who are trying to sell something; give it proper weight and have an open mind. Learn what you can, not with the idea of being an expert yourself, but with a view to selecting the best expert available. Then trust to his judgment.

The old rule that the man who is his own lawyer has a fool for a client is equally applicable in highway work. This does not mean that the client should not learn all he can of law and lawyers, but in applying that knowledge he should recognize the fact that correct judgment in details can be had only through many years of exclusive devotion to the subject. While he may think he knows all about the laws, yet it is infinitely safer to trust the judgment of a good lawyer. In the same way, while the city fathers may and should visit other cities, learn of their experiences and discuss the subject fully, yet this should lead not to attempting to decide on these details, but rather to the selection of the expert who can impartially and fairly decide among the rival claimants for attention. This is the way which is pursued in all ordinary affairs of life, and has been found to be the only practicable course in the communities in other lands where greater advances have been made than here. The true democracy consists not in every man attempting to dictate in public affairs, but rather in every man taking an interest such that the very best man in the particular line is selected and supported to do the work for the community.

The difficulty, as pointed out before, lies largely in the fact that real experts are rare. Nevertheless they can be had if we give proper consideration to the subject, namely, the kind of consideration that we would give if we had money of our own to invest in any large enterprise. We surely would not leave this matter in the hands of men chosen at a popular election, but rather urge that these men get such information as they can, spend a reasonable time in selecting an adviser and then leave the details to him.

There is much to be said on behalf of the elected official. He feels his responsibility. Ignorant of many of the subjects such as paving which are brought to his attention, he naturally doubts whether other men know more than he does. Ignorance breeds suspicion, and as he is approached by men representing various interests, he becomes more and more dubious

and finally settles down to the conviction that he alone is honest and that he must take all these matters into his own hands. He endeavors to learn in a few weeks or a few months many of the details which the expert acquires only after years of observation, and of trial and failure.

The great waste of money in pavements and in other public affairs is not through willful neglect nor deliberate plunder, but mainly through well-intentioned ignorance of the subject and through apathy which results from the hopeless attempt to master a big subject. Political control is not so much to be feared because of rascality as it is because of the fact that men selected for political reasons, even though starting out with the best of intentions, find that their responsibilities are so great that they become indifferent. They start out perhaps on good lines, but because of lack of years of training can not keep up. They are unable to exercise perpetual vigilance. They try to do too much themselves with the result that they finally end by doing too little. Instead of following the experience of the world in getting the very best man to assist them and in seeing that these men actually perform their duties, they are so overwhelmed in the effort to reach decisions for themselves that they often obstruct the very men who would help them, with the result that the whole system breaks down.

The question may well be asked at this point how and where we can get such experts. The answer lies in the consideration of the methods used in securing the services of a lawyer or doctor in any large problem or emergency. If a great sum of money were at stake and it was fully appreciated that a good lawyer or a good doctor could save from a quarter to a half of this expenditure, you would have little hesitation in going about to find the qualified expert.

But how do we know him among the mass of men clamoring for employment or for consideration in this connection? The answer again is to follow the same rules which you would lay down in getting your expert professional man in other

lines. You must judge them not by what they claim but by the fruits of their work. It is appreciated that one of the most difficult tasks is to wisely select a professional adviser in any line, financial, legal or medical, and yet we know that men of large responsibility can and do make such selection wisely and attain success because of such selection.

To sum up I wish to emphasize that there are qualified experts in city pavements who can prevent waste of the tax payer's money in the selection of the proper pavement, in preparing the specifications and seeing that the work is properly done. These men are not always easy to find, but the search for them will well repay the effort. More than this, we are endeavoring here at the University to aid in the making of such experts. It is not to be supposed that the graduates of our road making course can or should set themselves up as experts, but with the solid foundation laid here, these young men, in the course of time when they have acquired ripe experience, will be able to take a leading part in this important work. In the meantime we must prepare the public mind to appreciate the value of such service and by utilizing the experts now available show the public what can be done by wisely directed efforts.

## STREET REPAIRS

MAYOR E. S. SWIGART, OF CHAMPAIGN

One of the largest problems confronting the city official in directing the active management of the city, is that of pavement maintenance and repairs. This is especially true of the smaller cities of the state, which are just confronting the problem of repaving the streets that have seen over twenty-five years of service, and the constant complaints which are coming in on the objectional conditions of some of the newer pavements.

It is a common practice for cities to allow the various public service corporations and individuals to refill and replace pavements over excavations in the streets, either under the direction of the street superintendent or the city engineer. In theory this would be the proper way of making such repairs, but in practice it has proven a failure, because in cities of over 10,000 it is impossible to give personal supervision to the refilling of the many openings made in streets. This was the custom in Champaign until twelve years ago, when during my first experience as an executive of the city, I caused to be passed an ordinance which provided that all openings in paved streets should be replaced and refilled by the city. This ordinance placed the responsibility of the successful repairs of the streets upon the street superintendent.

Due to the fact that the street superintendent had no training along this line, and also to the fact that he wished to keep the cost as low as possible, practically no progress was made. The holes were refilled in a careless manner and settlements soon occurred which made the pavement rough. As a result, upon again resuming the executive duties of the city I began to look about for some means of satisfactorily caring for the pavements, which by this time were very numerous for a city of this size.

Upon investigation I decided to place this part of the work under the supervision of the city engineer, whose education and training should make him better fitted for getting the desired results. With about \$4500 on hand, derived from vehicle licenses, to apply to this work, we were able to organize a regular department, known as the street repair department, which assumed this work. The equipment necessary to make the various repairs was purchased and the work was started.

One of the first steps taken was to standardize the work; to do this the situation was carefully canvassed and the following instructions to the foreman were drawn up:

First, all trenches must be carefully tamped from the bottom up.

Second, in relaying brick pavement the pavement must be removed to a sufficient width to give a bearing on the solid earth on each side of the trench of one foot; upon the subgrade must be laid a layer of concrete seven inches in thickness, reinforced with three-eighths inch bars spaced eight inches, center to center. The bars or their equivalent in other forms of reinforcement, to be placed two inches from the bottom of the concrete; the surface of the concrete to conform to the surface of the old base. The brick must then be replaced, only whole brick being used, on a cushion of the type which has been used in the original pavement, and the brick brought to the exact grade of the surrounding pavement by means of a roller supplied for the purpose, so that the surface is perfectly smooth. The interstices between the brick must be filled with the same kind of a filler used in the original pavement, every precaution being taken to secure the best of workmanship.

Sheet asphalt pavements: The foundation shall be prepared as in brick pavements, the surface including top and binder cut smooth and beveled. The edges shall then be given a brush coat of hot asphalt. The hole shall then be filled with dry stone and thoroughly tamped. The asphalt shall then be applied from pouring cans; not to exceed two gallons a square



yard shall be used. The surface shall then be covered with stone dust and rolled.

**Concrete pavements:** The trenches shall be prepared as in brick pavements, with concrete cut back so as to give a one foot bearing on solid earth and leave a clean face. This cutting shall be done as carefully as possible so as not to break or chip the wearing surface. Before placing concrete the exposed faces must be given a brush coat of neat cement mortar. The concrete must be thoroughly mixed so that the resulting surface will be uniform. The concrete shall have a consistency such that when placed it will tend to flatten out, but will not run at the edges. When placed, the concrete shall be carefully struck off with a straight edge so that the wearing surface will exactly conform to the surface of the pavement adjacent thereto. The surface must then be floated with a wooden float until it is thoroughly compact, special attention being given to the edges so that no holes appear and the broken edges of the old concrete are thoroughly filled. Reinforcement must be used over all trenches.

These instructions covered the refilling of trenches in all the three types of pavement in the city.

As the refilling of trenches comprised only a part of the work of this department, the remainder of the time being spent on general pavement maintenance, each new job as given was carefully analyzed and instructions given for that particular piece of work. For example, we have a number of brick pavements in which the pavement has settled over old trenches. In cases of this kind the brick and sand cushion was removed and the cushion replaced with concrete and the brick relaid directly on the wet base and a grout filler applied; this gave a good smooth wearing surface at a small cost and yet it is strong enough to stand traffic. In other cases where surface treatment along is necessary, bituminous compounds have been used exclusively as these afford the only means of making repairs of this kind without relaying the whole pavement at a large cost.

We have also discovered that some special treatment is necessary on a large number of our streets, especially those which were laid before the introduction of Portland cement in pavement work. In regard to these we realized that something must be done with the whole surface to even put them in a serviceable condition for automobile traffic. Realizing that we would not be able to do this with the amount of money available and appreciating that fixing up a few holes would avail but little, we decided to confine ourselves to a few experiments on small portions of these streets and try to find a satisfactory and cheap solution for the problem. In this I believe we have been successful and I believe we will be able to take care of these pavements through the board of local improvements, at a relatively small cost to the abutting property holder. The examples that I have given will serve to show the character and extent of the work we have undertaken to do. The results obtained with these methods have been very gratifying both to the officials and the public. The old adage that "What is worth doing is worth doing well" will apply to city work as well as that of private individuals.

Previous to entering upon the work of repairing the streets it occurred to me that if results were to be obtained some system must be established so that the work could be checked and the resulting costs shown, so when the street repair department was organized a cost system was started.

This system comprised a work order blank, time cards, payroll sheets, ledger record, and continuous reports. The order blank was so arranged as to give the location of the job, the firm or individual for whom the work was being done; if refilling trenches, the time card numbers, the number of the job, the complete list of labor and materials, a complete report of how the work was done and when, including the dimensions of the work, a sketch of the place repaired and a summary of costs. The time cards were designed so as to be as simple as possible, and the payroll sheets were designed to give the maximum amount of information. The ledger record was

used to keep the accounts payable and receivable and a record or invoice of equipment. The report blanks were so designed as to give to the aldermen a complete analysis of the work done at any time. The results of this system have been very gratifying. We not only found just how much it costs to repair streets properly but it gave us an itemized account of work done for individuals or corporations in such a manner that the justness of the charge could not be questioned, thus eliminating the criticisms that often come from the public for whom work is being done. It is true when these people found out what was the true cost of doing work they registered a complaint and said our organization was not efficient; but we invited criticisms and inspection and soon convinced them that the results were commensurate with the cost of the work.

Also the cost system will enable us to perfect our organization so as to get more efficient work and we will be able to so plan our work for the coming year that we may keep our street repair department the entire season, as we believe the most efficient men can be obtained by giving them assurance that their jobs are secure for the entire season. I might add in this connection, that in the time we have been operating this system the work of refilling trenches equals about one third of the total amount of work done.

In what I have said I have attempted to outline the results we have accomplished, hoping that it will benefit others who find themselves with the same problems.

## THE MOST RECENT PRACTICE IN SEWAGE DISPOSAL

EDWARD BARTOW

*Director State Water Survey*

Owing to the increase in the population of our Illinois cities, city officials and other citizens are becoming more and more interested in the disposal of sewage and trade wastes. With a view to preparing ourselves to render the greatest assistance the State Water Survey asked the last legislature to appropriate \$10,000 per annum to establish and maintain a sewage experiment station. An initial appropriation of \$5,000 was made. The State Water Survey has tried to expend this money to the best advantage and owing to the importance of the problem has diverted some of the other funds where it has been possible to do so, to the study of sewage disposal. The city of Champaign has very kindly placed the septic tank, built for the city of Champaign in 1897, at the disposal of the Survey for experimental use. This tank had long been too small to serve its initial purpose, but could be very satisfactorily modified for the experimental work desired. The city of Champaign has contributed \$500 towards paying the expenses of the experiment station. The city of Decatur has also loaned the Survey a motor and pump. The Survey has been especially engaged in an investigation of the activated sludge process of sewage disposal. Owing to the inadequacy of funds other methods could not be tried experimentally. We have, however, attempted to study the various methods with a view to learning the adaptation to Illinois conditions. Because of this preparation we were able to outline a trip for the Decatur city officials in such a way that they were able to visit sixteen plants of various types in a trip of eight days' duration. A brief description of the plants observed on the trip with a discussion of some important plants of similar types which were not seen, we hope will interest the members of the league.

The processes of sewage disposal which are in use at the present time may be summarized under the following heads—chemical treatment, screening, treatment tanks, contact beds, sprinkling or trickling filters, sand filters, activated sludge, and one or two experimental methods, including the Dorr acid treatment.

#### CHEMICAL TREATMENT

A fairly satisfactory effluent was obtained in Decatur during the official test of the electrolytic-lime apparatus built by the Electrolytic-Sanitation Company of Illinois. An equally good effluent was obtained with lime alone during a short period when electricity was shut off from the plant. It was at first thought possible that the chemical treatment might be suitable to Decatur conditions. With this thought in view the chemical treatment plants at Canton, Brooklyn, Worcester, and Providence were visited. Canton had abandoned the lime treatment for about a year and is now operating a plant consisting of six tanks and sixteen contact beds covering about ten acres. At Brooklyn lime is used at the 26th ward pumping station. This plant was designed for a flow of 7,000,000 gallons of sewage and cost about \$350,000. Sludge is spread over the low meadow land along the Sound. Plans are being made to abandon this plant, substituting Imhoff tanks and sprinkling filters. Experiments have been made with the activated sludge process but since the city has a large tract of land on which the tanks and sprinkling filters can be erected it seems at the present time advisable to adopt that method of treatment.

At Providence the sewage after treatment with lime or calcium hypochlorite is settled in tanks having a capacity of nearly four million gallons. 438 pounds of lime were used per million gallon in 1915. After settling the treated sewage is stored in reservoirs capable of holding seven million gallons to be discharged with the ebbing tide. The effluent was only fair in quality, but was of a satisfactory character to be discharged into the waters of the bay. The cost of treatment by

lime was \$32,592 or \$3.59 per million gallons. The disposal of sludge was a difficult and expensive matter. It was first pumped by Shone ejectors to storage reservoirs, then by gravity to forcing receivers from which it is forced under an air pressure of 60 pounds per square inch through large filter presses and finally transported by cars to scows and carried 14 miles down the bay and emptied into 75 feet of water. The cost of sludge disposal in 1915 was \$22,343 or \$3.01 per ton of dry solids. The superintendent stated that he had thought the Providence plant, which went into service in 1901, would be the last of its kind. No large plants have been constructed since 1901. Experiments with activated sludge were being tried but the work had not proceeded far enough to give conclusive results.

At Worcester, Mass., during 1915 not quite two-thirds of the city sewage was treated chemically. The remainder and the strongest part of the sewage was dried on sand beds. For the sewage treated chemically 1048 pounds of lime were used per million gallons. The sewage after treatment with lime and a thorough mixing, passed through 6 roughing tanks measuring about 100 by 66.7 by 7 feet deep and afterwards into 10 finishing basins 166.7 by 40 by 7 feet deep. As at Providence the disposal of the sludge was the most difficult part of the treatment. The sludge is drained by gravity to a sludge well from which it is pumped by the Shone ejector into two storage basins 20 by 66.7 by 11 feet deep. From the storage basins it is pumped through sludge pressers. These did not have sufficient capacity to press all of the sludge and part of it is disposed of on old sludge beds. After filter pressing the pressed sludge was carried on cars by trolley motors to a sludge dump from which a considerable proportion is removed by the farmers each winter. There is no demand for all of the sludge and large banks are being formed near the works. The cost of chemical precipitation was \$23,127 or \$5.29 per million gallons. The cost of sludge pressing was \$19,224 or \$4.93 per million gallons. During 1914 experiments were made with Imhoff tanks and sprinkling filters with

a view to their adoption either in enlarging the plant or in replacing chemical precipitation and sand filters. At Worcester the plant has been in operation since 1890.

At a tannery at Norwood, Mass., the waste amounting to 500,000 gallons, several times as strong as domestic sewage, is treated with sufficient lime to make it alkaline. After passing through settling tanks of nearly 1 million gallon capacity a portion of the effluent is applied to  $3\frac{1}{2}$  acres of sand beds. The remainder is treated by dilution with water from an 800,000,000 gallon reservoir or, when dilution water is too low, is oxidized by sodium nitrate. The sludge is transferred to drying beds. Part is carried off by the farmers but a considerable portion must be carted away by the owners of the tannery. The cost of the disposal plant was about \$100,000 and the annual net cost about \$30,000. This cost is considered excessive and experiments have been carried on with Imhoff tanks and sprinkling filters and with activated sludge. The tests show that a plant to satisfactorily handle the waste with tanks and filters can be constructed for \$63,480. Preliminary experiments with activated sludge give sufficient encouragement to warrant their continuance on a larger scale.

Chemical precipitation was also used for the disposal of paper mill waste at Walpole, Mass. The effluent from the settling tanks was distributed over sand beds, added to dilution water in the stream, or oxidized with sodium nitrate.

The most difficult part of the operation of a chemical treatment plant was the sludge disposal. The fertilizer value was not sufficient at either Providence, Worcester, or Norwood to afford any income, and as indicated its disposal added considerably to the cost of the treatment. It would hardly seem advisable to adopt chemical treatment for any municipal supply in Illinois. Our waters are much harder than waters in New England. The lime required would be much greater and consequently the fertilizer value less and the cost of disposal greater.

## TREATMENT BY SCREENING

Where there is sufficient water to dilute sewage so that it will not putrefy, the coarse suspended matter may be removed by screens and the effluent allowed to flow without further treatment into the stream. Screens are also frequently used preliminary to further processes of sewage disposal. Reinch-Wurl screens are in operation at the 26th ward station in Brooklyn. Sufficient suspended matter was removed so that the effluent could be handled satisfactorily on sprinkling filters in the experimental plant. The two screens have a capacity of 6 million gallons each, with a 12 inch head, and are so placed that they will be part of a preliminary installation. At Rochester, N. Y., Reinch-Wurl screens are being installed to remove the coarse suspended matter before the sewage enters the Imhoff tanks. Each 12 inch screen cost \$13,000 in place. At one of the sewage outfalls in Cleveland, Reinch-Wurl screens are in use. Between 5 and 10 percent of the suspended matter is removed. This is, of course, only a small proportion of the total matter in suspension. Screening alone will be suitable for Illinois conditions only when there is sufficient dilution water available to prevent trouble from putrefaction or from the formation of sludge beds from the finer suspended matter which passes the screens.

## TREATMENT IN TANKS

Tank treatment is of three kinds: The plain settling tanks, septic tanks, and Imhoff tanks. The settling tanks and septic tanks are very similar in character and are being abandoned for the more modern Imhoff tanks. The old plant at Plainfield, N. J., contains septic tanks in connection with contact beds and will be abandoned before the close of the present year. The septic tanks at Morristown, N. J., are used for preliminary treatment in connection with contact beds. A satisfactory effluent is being obtained but this type of tank is no longer to be recommended.



Imhoff tanks or Emsher tanks, invented by Dr. Karl Imhoff of Emsher, Germany, differ from the septic tanks in having an inclined floor separating the incoming sewage from the sludge. The sludge digests or ferments in the lower compartment and after being very much reduced in volume and weight can be transferred to sludge drying beds for disposal without the creation of a nuisance. Imhoff tanks are being constructed at Columbus, Ohio, to replace the septic tanks. Ten tanks which were completed in November were insufficient to handle all of the Columbus sewage. The sludge outlets were not completed and sludge was overflowing the gas vents and covering the greater part of the tank area. When 12 more tanks are completed and the sludge outlet finished it is expected that good results will be obtained. The effluents from the septic tanks are passed to sprinkling filters for further treatment.

At Chatham, N. J., Imhoff tanks are used for preliminary treatment before contact beds. About 300,000 gallons of domestic sewage pass through the tanks. The effluent from the tanks is not stable and could not be discharged into a small stream without further treatment. The effluent from the contact beds was very satisfactory. The sludge from the tanks is dried satisfactorily on sludge beds and some of the sludge is carried away by the farmers. At Plainfield, N. J., the new plant will contain Imhoff tanks and sprinkling filters. The plant will be put in operation the latter part of this year and will have a capacity of about 4 million gallons of domestic sewage. At Fitchburg, Mass., 5 tanks each 30 by 90 by 10 feet 5 inches with a further depth of 7 feet 6 inches to the bottom of the sludge chamber have been in use about 2 years. The operation of the plant is satisfactory in preparing the sewage for distribution on sprinkling filters. The plant has a capacity of 4 million gallons. The Brighton plant at Rochester, N. Y., also consists of Imhoff tanks for preliminary treatment on sprinkling filters. The plant has a capacity of about 3 million gallons. In November it was handling 500,000

gallons per day and the tanks were furnishing an effluent satisfactory for disposal on the filters. The tanks at Fitchburg, Mass., Plainfield, N. J., and this plant at Rochester, N. Y., are good illustrations of the best modern sewage disposal practice.

The main disposal plant at Rochester is designed to take care of the sewage from 450,000 people. It consists of 10 tanks 110 by 35 by 40 feet deep. Ten additional tanks may be added. The effluent is to be discharged into 50 feet of water in Lake Ontario 7000 feet from the shore, where sufficient dilution should be obtained to make secondary treatment unnecessary. Owing to the necessity of emptying the sewage from most Illinois towns into comparatively small streams, some of which are practically dry during a considerable part of the year, tanks alone which do not furnish a stable effluent would not be suitable for conditions existing in many Illinois communities.

#### CONTACT BEDS

Contact beds are used in Chatham and Morristown, N. J., and at the old plant in Plainfield, N. J. Contact beds are valuable where it is necessary to dispose of sewage entirely without odors. The sewage does not come to the surface of the bed and there is no odor noticeable; however, the capacity of contact beds is only about one-half that of sprinkling filters, and where plants can be constructed at a locality where slight odors are unobjectionable, sprinkling filters are preferable.

#### SPRINKLING OR TRICKLING FILTERS

Sprinkling or trickling filters have a capacity about twice as great as contact beds and furnish an equally satisfactory effluent. The size of filters required varies directly with the strength of the sewage to be treated and therefore the organic concentration of the sewage must be considered in designing a filter. The plant at Columbus, Ohio, where sprinkling filters followed septic tanks, was not entirely satisfactory. It is

expected that when the new Imhoff tanks are entirely completed satisfactory results will be obtained. At Atlanta, Ga., where sprinkling filters followed Imhoff tanks, satisfactory results have been obtained. The new plant at Plainfield, N. J., is not yet in operation but it is expected that the sprinkling filters following Imhoff tanks and followed by secondary settling tanks will give a satisfactory effluent. At Fitchburg, Mass., two acres of sprinkling filters have handled an average of 2,123,500 gallons of sewage per day for two years. The effluent after passing through a secondary settling tank is uniformly stable. The Brighton plant at Rochester, N. Y., has been in operation for several months. When handling 500,000 gallons per day, the effluent after passing through two settling tanks was clear and stable. An interesting feature of this plant is a pipe gallery containing valves from which the sewage can be distributed to various parts of the bed and from which the distribution mains can be readily flushed. An experimental plant at the tannery at Norwood, Mass., has shown that sprinkling filters following Imhoff tanks can take care of 500,000 gallons per acre per day of the tannery wastes. Imhoff tanks followed by sprinkling filters followed by secondary sedimentation would be suitable for conditions in many Illinois cities. Since they need constant attention their adoption by the smaller municipalities can hardly be recommended but they may be favorably considered by municipalities having a population of 5000 or more. Imhoff tanks and sprinkling filters in an experimental plant have been found satisfactory for handling the domestic sewage at Decatur. It was unfortunate that experimental tests at Decatur were not carried on when the starch factory was in operation, so that the efficiency of the tanks and filters for treating the mixed starch factory wastes and domestic sewage could be determined. It will be necessary to build a plant much larger than would be indicated for the domestic sewage of Decatur because of the great organic concentration of the waste from the starch factory. Other cities contemplating the installation of sewage treatment plants

of this type must carefully consider the character of any trade waste which may be present.

#### SAND FILTERS

Very satisfactory effluents can be obtained from sand filters; in fact the effluent from sand filters is uniformly stable and may be allowed to flow into the dry bed of a stream. Sand filters at Chatham, N. J., following Imhoff tanks and contact beds, at Morristown, N. J., following septic tanks and contact beds, and at Worcester, Mass., following settling tanks were giving very satisfactory effluents. This type of sewage purification is used very largely in New England and especially in Massachusetts where the state board of health had a great influence in developing the process. At Worcester, Mass., 74 acres of sand beds are used for about one-third of the sewage of the city. Before application to the beds the heavier suspended matter had been removed by passage through settling tanks. Sand beds are also used at Walpole, Mass., for the treatment of part of the waste from a paper mill and at Norwood for part of the waste from the tannery. This process is very efficient but owing to the large area required and the lack of sand in many Illinois communities it may not be suitable for many Illinois installations. The process requires very little attention and for small installations is to be recommended.

#### ACTIVATED SLUDGE

The activated sludge process is still in the experimental stage. A plant is being constructed at Houston, Texas, which will ultimately take care of sewage of 360,000 people. The process has been recommended for the disposal of waste materials from the stock yards in Chicago. The experimental plant of the Sanitary District is taking care of 100,000 gallons per day in a more satisfactory manner than by any other process. Swift and Company have recently constructed a plant containing a tank 80 by 30 by 11 feet deep, which is expected to treat about 1,000,000 gallons of waste per day.

At Brooklyn the experiments have given promising results and the process will be further studied with a view to its probable adoption at Coney Island and Rockaway. These communities are so built up that land near the sewer outfall cannot be easily obtained for the construction of a plant of another type. At Providence an experimental plant is being operated to determine whether it will be practical to replace the chemical precipitation tanks by the activated sludge process. It is thought that the chemical tanks can be modified into activated sludge tanks if the process can be shown to be economical. At Norwood preliminary experiments have been completed with sufficient promise to warrant a continuance of the experiment with tannery wastes. Either activated sludge or Imhoff tanks or sprinkling filters will be adopted for a new disposal plant at the tannery. At Cleveland, Ohio, 500,000 gallons of sewage is being treated daily by the activated sludge process. No attempt is made to obtain a perfectly stable effluent. Owing to dilution in Lake Erie an effluent which is stable for two days is considered satisfactory. In a tank only 20 by 80 by 14 feet deep the 500,000 gallons of sewage is being treated. The cost of air for treating the Cleveland sewage is \$3.75 per million gallons with electric current at .75 cents per kilowatt hour.

With the appropriation for a sewage experiment station the State Water Survey has carried on four series of experiments with the activated sludge process: 1, bottles of 3 gallon capacity were used; 2, a tank 9 inches square and 4½ feet deep containing a single filtrous plate in the bottom of the tank was used; 3, four tanks each containing 10 square feet of area and 9 feet deep were used. The results of the experiments in these three series have already been published. The fourth series of experiments was conducted in a re-built septic tank which was turned over to the experiment station by the city of Champaign. In this tank, which is 17 feet wide, 36½ feet by 9½ feet deep, 75,000 gallons of sewage was treated daily and a perfectly stable effluent was obtained. Owing to the small size

of the settling chamber, sludge was carried over if more than 75,000 gallons of sewage was added. After determining that the plant could be run satisfactorily at a rate suitable to the capacity of the settling chamber, the rate was increased to 150,000 gallons per day even though some sludge escaped with the effluent. At the increased rate using two cubic feet of air per gallon of sewage, effluents stable more than two days have usually been obtained. Owing to the presence of sludge in the effluent it was allowed to settle in glass cylinders 30 minutes longer before taking samples for analysis. More settling capacity will be provided and the experiments will be continued.

If Illinois cities having a population of 20,000 or more can obtain power for less than 1 cent per kilowatt hour the activated sludge process might well be considered for the disposal of their sewage. From the results of experiments at the stock yards the process would seem especially suitable for cities containing a starch factory, creamery, tannery, packing house, or other factory having a large quantity of organic wastes.

The problem of disposing of the surplus sludge from the activated sludge process has not yet been satisfactorily solved, but undoubtedly some satisfactory solution will be obtained in the near future. At Brooklyn, it is proposed to aerate, settle the sludge and decant the supernatant liquid, repeating this process until only humus remains. At Cleveland the disposal by the centrifuge used in laundries has not been found satisfactory. Disposal on sand beds under cover after continuous aeration of the sludge for several days has been found possible but further experimental work is desired before it can be declared practical. Experimental work on sludge disposal is being carried out at Chicago, Milwaukee, and at the University of Illinois, and more definite information should be at hand at an early date. At the University of Illinois a rotary filter such as is used in handling ores in the cyaniding process, has been installed and will be tested within the next month.

## CONCLUSIONS

1. Processes involving the use of lime as a precipitant will be unsuited to conditions in Illinois because of the large amount of lime required and large amount of sludge which must be disposed of.

2. Screening alone will be satisfactory only where sufficient dilution is available, as for example in the Mississippi River.

3. Treatment tanks alone may be recommended where the dilution is sufficient to prevent putrefaction.

4. Imhoff tanks and sprinkling filters would be suitable for the domestic sewage of many Illinois cities, but it will be necessary to have continuous control of the plant and the process may not be suited for smaller towns.

5. Sand filters following Imhoff tanks may be suitable for adoption in the smaller towns where sand can be obtained economically.

6. The activated sludge process may be suitable for the larger cities, especially where trade wastes containing considerable organic matter are present, and especially so if some satisfactory method of dewatering or disposing of the sludge can be found.

The State Water Survey has asked for an appropriation of \$10,000 per annum for continuing the sewage experiments that they may be able impartially to test methods and give competent advice to municipalities which must adopt some form of sewage disposal in the near future.

# ADMINISTRATION OF MUNICIPAL WATERWORKS IN ILLINOIS

H. E. BABBITT

*University of Illinois*

There are three general classes into which the administration of public waterworks can be placed: (1) municipal administration by elected officials or through their appointees, (2) private companies under a municipal franchise, and (3) a municipal company, the municipality holding the majority of stock and controlling the directors. Since waterworks are primarily for public service and as the best service seems to be rendered by municipal control, a study of the present methods of municipal administration in Illinois may indicate the most desirable form of organization for a waterworks department.

The Act of the General Assembly of 1872 for the incorporation of cities, towns, or villages stipulates that the following municipal officers shall be elected by the people: a mayor, a city council, a city clerk, a city attorney, and a city treasurer. The city council may provide for whatever other officers it sees fit and the method of their appointment, either by election by the people, or appointment by the mayor with the approval of the council. The term of office may in no case exceed two years, however. The council may also prescribe the powers, duties and remuneration of these officers. Under this form of government the waterworks officials are practically always appointed and not elected.

Under the more recent commission form of government, the only officials to be elected by the people are a mayor and four commissioners for a term of four years, regardless of the size of the city, except Chicago, which is excluded. This commission has all of the legislative and executive powers previously held by the mayor, council, and city officials. The commission may, however, elect such city officials as it desires, and provide for their duties and remuneration. The duties



of the commissioners are divided among five departments: (1) department of public affairs, (2) department of accounts and finances, (3) department of public health and safety, (4) department of streets and public improvements, and (5) department of public property. The department of public affairs is under the direction of the mayor. Each commissioner is elected as the head of one of the other departments by the commission. The commissioner of streets and public improvements is ex officio commissioner of public works, and as such has full responsible charge of the waterworks, as well as other duties. He may appoint or discharge any employ   in his department without explanation, unless the municipality has adopted the Civil Service Act.

The majority of the municipalities in the state are incorporated under the act of 1872. Their methods of administering the municipal waterworks are extremely diverse and a division into general classifications is difficult because of the numerous exceptions. The methods of administration in some typical cases will be shown, however, in diagrammatic form. In these diagrams the name of the office is enclosed within a rectangle. Immediately below this name or title will be a brief statement of the duties of the office, unless the title is self explanatory. The solid line between rectangles indicates that the lower office is filled by appointment from the higher office. The dotted line indicates that the lower office is supervised by the higher office. For cases in which there is no dotted line, supervision is maintained by the appointing power. Where two rectangles are contiguous the positions are filled by the same appointing power.

Typical examples of the methods of administering municipal waterworks in small villages are shown in Figure I. The village board of trustees appoints a waterworks superintendent who has full charge of everything pertaining to the waterworks with the exception of collecting rates and keeping certain records. The collection of water rates is done by the village clerk, or a special village collector appointed for the

purpose. The waterworks superintendent sometimes operates the pumping station personally a few hours per day and attends to his other duties in the meantime, and in other instances he is assisted by an engine man at the pumping station.

In many of the smaller cities the superintendent of the waterworks combines some or all of the duties of the superintendent of streets, chief of police and city engineer. Such a combination of offices is seldom provided for by ordinance, each position being specified separately. The custom arises in the municipality because of a necessity for economy and is continued until sufficient complaints are received as to necessitate the removal of a part of the load from the single official.

The village of Palatine is an example of the combination of the activities of the public works departments under one officer who is superintendent of waterworks, superintendent of streets and city engineer. He is the only permanent employee in all of these departments and performs all of the work in connection with the operation and maintenance of the pumping station, distribution system, sewerage system, sewage disposal plant, street paving, and other associated activities. The city of Woodstock is illustrative of the more elaborate case in which the chief of police is the waterworks superintendent and the superintendent of streets, including the sewerage system and the operation of the sewage treatment plant. He is assisted, however, by a relatively large force of employees, both temporary and permanent, in each department requiring them. At Harvard the waterworks pumping station and distribution system are supervised and operated by the superintendent of waterworks. The superintendent of streets is an independent officer who supervises the paving, sewerage system, and directs the caretaker at the sewage treatment plant. Other cities, such as Monticello, place the water distribution system under the direction of the superintendent of streets. The pumping station is under the direction of a day and a night engineer, both appointed by the council. In all of these communities the collection of the water rates is done by some other official than

any of those named. The various methods of dividing the responsibilities are shown in diagrammatic form in Figure I.

As the population of a municipality increases, the work of the waterworks department is placed more and more in the hands of officials who devote their entire time to it. The organization of the departments becomes more diversified and it is more difficult to present any such general cases as are shown in Figure 1. This is partially due to the fact that there are but 17 communities in Illinois with population of over 10,000 which have a municipal waterworks. Typical cases rather than generalizations will therefore be cited.

The organization in Canton, with a population of 10,453, is about as shown in Figure Ib. Jacksonville's organization is shown in Figure Ic. The population of Jacksonville was 15,326 according to the 1910 federal census. These cases are presented to indicate the grades of diversification with increasing population.

The organization in Decatur is shown in Figure II. This is also typical of Springfield and Waukegan except that the last two have no filter plant. All three cities are under the commission form of government.

The city of Evanston has adopted the civil service law. The organization of its waterworks department is shown in Figure III, insofar as the division of works in separate departments and the various appointing powers are indicated.

In the other relatively large cities having municipal plants, such as Elgin, Bloomington, Galesburg, and Joliet, the division into sub-departments is quite similar, the principal distinctive features being the controlling power for 'hiring and firing'. In Elgin the water committee consists of three citizens appointed biennially by the mayor and council. The members of this committee serve without salary. The board has full control over the waterworks department, maintaining direct control of every employee, the water superintendent having only active supervision. In Joliet the department has been fre-

quently reorganized, the latest reorganization occurring in May, 1913, at which time a commissioner of public works was created. The water superintendent is under the direction of this commissioner. The engineering work of the department is done by the city engineer.

The Chicago organization is shown in Figure IV insofar as the division into departments is concerned. This is the extreme example of the largest municipal waterworks in the state and indicates to what extent the division of authority may extend. The population served by this department is greater than that served by all of the other water departments in the state combined.

Among the interesting things shown by these diagrams is the assimilation of the rate-collecting and other collecting duties by the larger municipal waterworks.

The organization of waterworks under the second general classification—namely, private waterworks under a municipal franchise—does not come within the scope of this discussion. Information concerning examples of the third general classification, namely, municipal waterworks companies, was too uncertain to be reliable.

Turning to the subject of the relative importance of municipal and private ownership of waterworks in Illinois, a summary of the detailed figures is given in Table I. Excluding the population supplied by the Chicago municipal water-

TABLE I  
WATERWORKS STATISTICS FOR ILLINOIS CITIES WITH POPULATION ABOVE 1000<sup>1</sup>

Number of water-works <sup>2</sup>	Municipal Ownership	Private Ownership	Inf'm't'n unav'ble	Total
	203 <sup>2</sup>	50	104	357
Population	3,150,000	505,000	167,000	3,821,000
Population <sup>2</sup>	923,000			1,593,000

<sup>1</sup>According to 1910 Federal Census. <sup>2</sup>Excluding Chicago.

works it is seen that more than one-third of the population of the state in cities over 1,000 inhabitants is served by private water companies, although the total number of private companies is only one-fifth of the waterworks organizations in the state. This is explained by the fact that approximately one-half of the larger cities of the state are served by private companies. Exclusive of Chicago there are 16 cities with a population over 10,000 served by municipal waterworks as against 14<sup>3</sup> served by private companies. The respective populations are 413,000<sup>4</sup> for municipal and 351,000<sup>5</sup> for private ownership, or about 46% of the population in the larger communities of the state is served by private water companies.

Of the 222 communities with population between 1,000 and 10,000 for which information is available 186 are served by municipal waterworks and 36 are served by private waterworks, exclusive of those mentioned in the preceding paragraph. The respective populations are 510,000 for municipal ownership and 154,000 for private ownership, or about 23% of the population of the smaller communities of the state is served by private water companies.

Of the 38 communities with population below 1,000 for which information is available, 36 have municipally owned waterworks and 2 have privately owned plants.

No information was available concerning 105 communities with population between 1,000 and 5,000, and an unknown number below 1,000.

To make the comparison between municipal and private ownership of greater value, financial statistics for each form of ownership should be presented. Financial statistics of private companies are not available, and the methods of accounting used in municipalities are so various as to render comparative figures almost useless. Indications are however that municipal plants are not as successful financially as private

<sup>3</sup>Granite City supplying Venice and Madison included.

<sup>4</sup>Population of cities supplied by Chicago included.

<sup>5</sup>Population of Granite City, Urbana, Madison and Venice included.

plants. Statistics with regard to the service rendered by the two forms of ownership are meagre and unsatisfactory. Authoritative opinions usually indicate a belief that municipal ownership tends to insure a more satisfactory service, due possibly to a quicker reaction to public opinion. This reaction is however conducive to the increase of operating expenses.

The opinion with regard to the character of the service rendered is borne out by the information presented in Table II, which has been digested from data obtained from the Illinois State Water Survey. The figures concerning the relative percentages of unsafe water supplies are significant, 29 per cent of the privately owned supplies being reported as unsafe and 18.5 per cent of the municipally owned supplies as unsafe.

TABLE II

## SAFETY OF PUBLIC WATER SUPPLIES IN ILLINOIS

Total water supplies reported upon.....	341
Safe municipal water supplies. Population above 1,000.....	160
Unsafe municipal water supplies. Population above 1,000.....	36
Percent of unsafe municipal public water supplies.....	18.5
Safe privately owned water supplies. Population above 1,000.....	31
Unsafe privately owned water supplies. Population above 1,000....	13
Percent of unsafe privately owned public water supplies.....	29.0
Safe water supplies. Ownership unknown. Population above 1,000..	20
Unsafe water supplies. Ownership unknown. Population above 1,000.	1
Safe water supplies. Ownership unknown. Population below 1,000...	79
Unsafe water supplies. Ownership unknown. Population below 1,000.	1

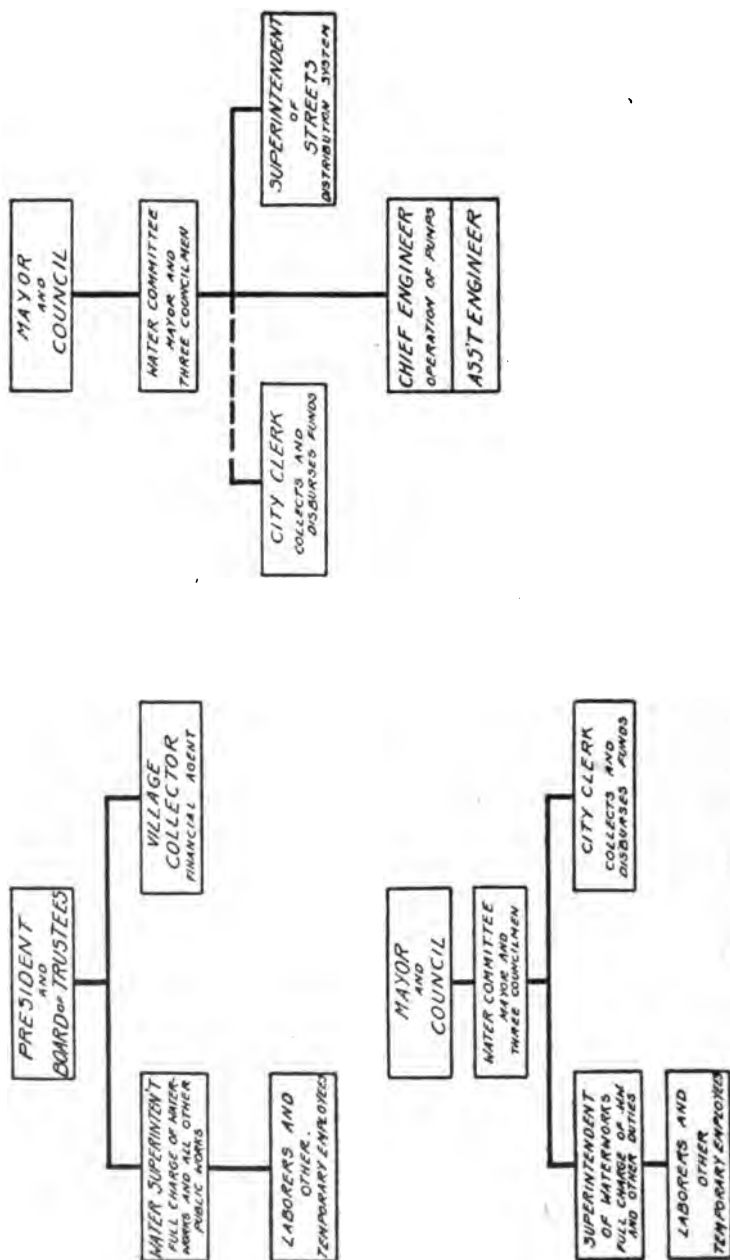


Fig. 1.—Waterworks administration in villages and small cities

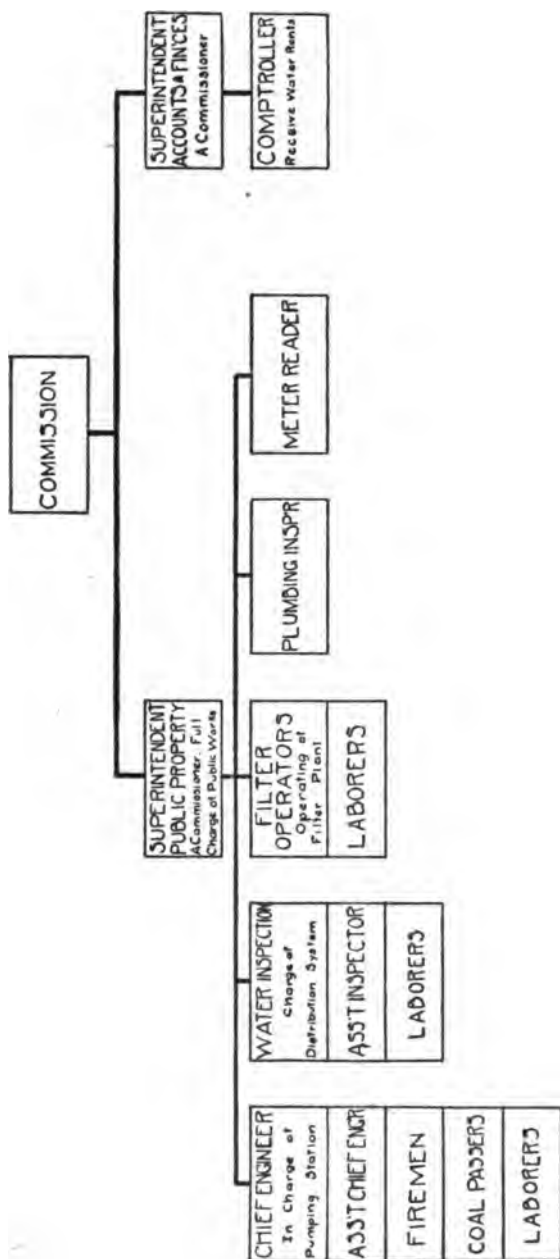


FIG. 2.—Organization of water department in Decatur



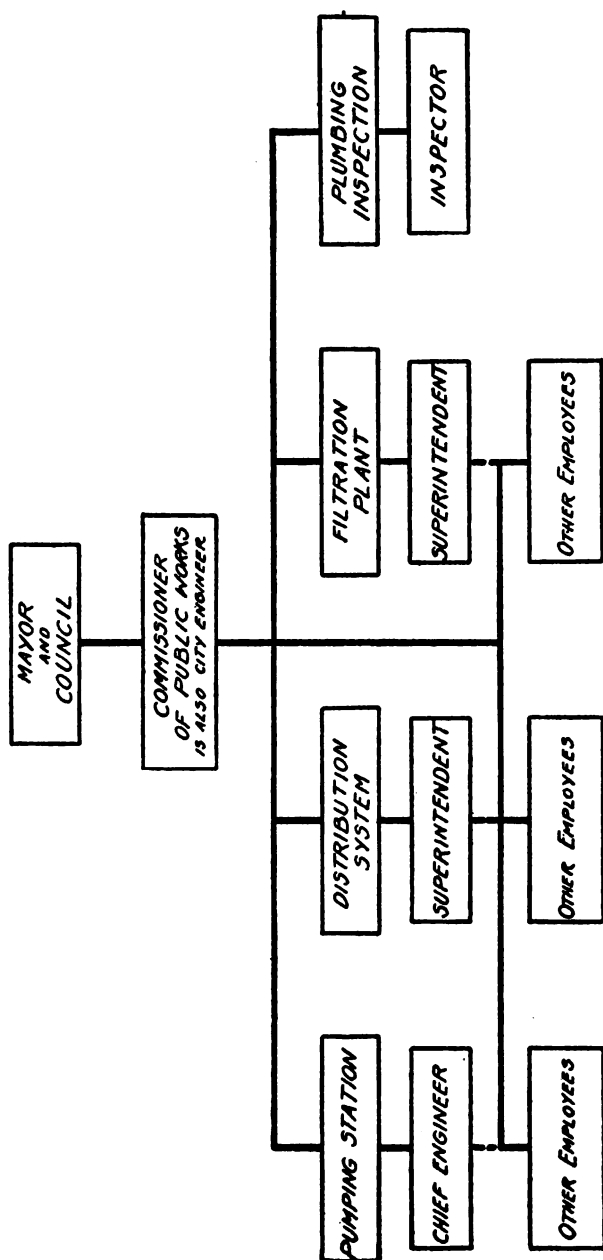


FIG. 3.—Organization of water department in Evanston

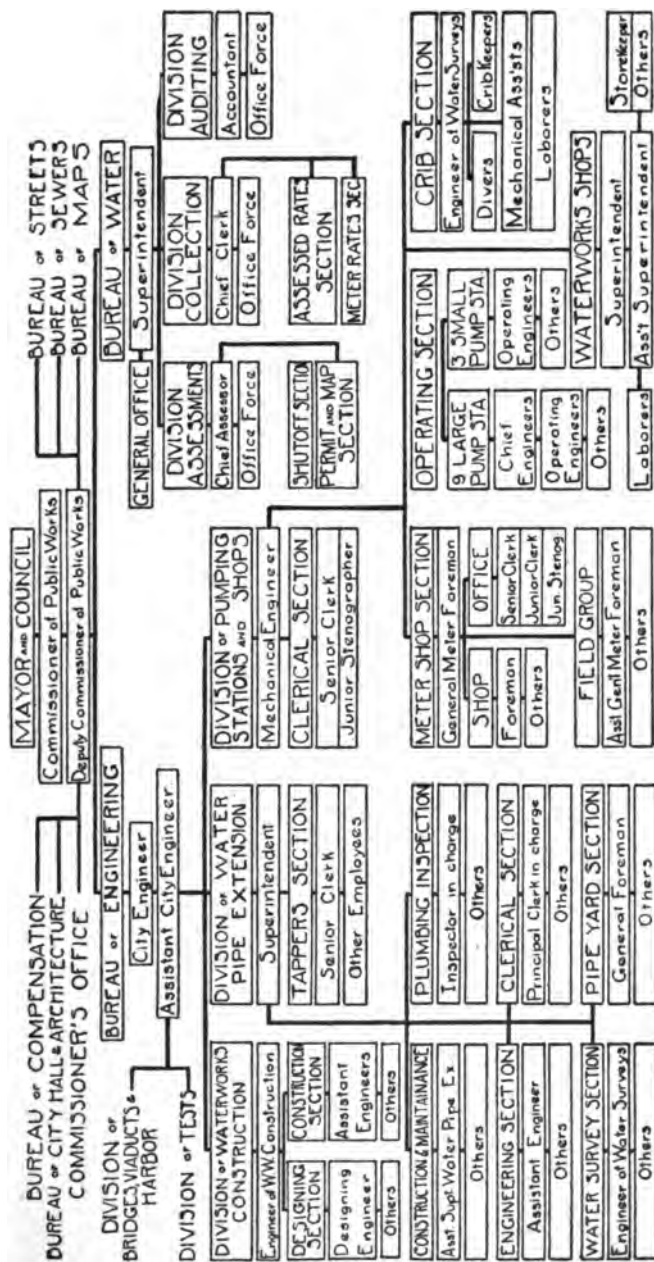


FIG. 4.—Organization of waterworks in Chicago

REPRESENTATIVES OF ILLINOIS CITIES  
REGISTERED AT THE  
THIRD ANNUAL CONVENTION  
OF THE  
ILLINOIS MUNICIPAL LEAGUE

*held at the University of Illinois December 7-8, 1916.*

*Bloomington:*

E. E. Jones, Mayor  
J. F. Anderson, Commissioner  
A. G. Erickson, Commissioner

*Cairo:*

Robert A. Hatcher, City Clerk

*Champaign:*

E. S. Swigart, Mayor  
B. W. Benedict, Alderman  
Ben Long, Alderman

*Chicago:*

William G. Adkins  
Clifford S. Roe, Assistant Corporation  
Counsel  
George C. Sikes

*Clinton:*

Frank Rundle, Mayor  
Charles W. Carter, Commissioner

*Collinsville:*

Dr. J. H. Siegel, Mayor  
• Charles Rennaker, Alderman  
John Vigna, Alderman  
John Lizzbatt, Alderman  
John Bailey, City Clerk

*Decatur:*

James S. Baldwin  
Charles Becker  
John F. Mattes

*DeKalb:*

P. N. Joslin, Mayor  
S. W. Boardman

*DuQuoin:*

E. F. Knauer, Mayor

*Evanston:*

H. P. Pearsons, Mayor

*Freeport:*

H. H. Stahl, Mayor  
C. S. Hepner, Engineer

*Galesburg:*

J. L. Conger, Mayor

*Jacksonville:*

H. J. Rodgers, Mayor  
W. F. Widmayer, Commissioner  
John Vasconcellos, Commissioner  
E. M. Henderson, City Engineer

*Joliet:*

William C. Barber, Mayor  
George W. Brown, Commissioner  
Thomas Gorey, Commissioner  
C. D. O'Callahan, Commissioner

*Kankakee:*

B. W. Alpiner, Mayor  
Henry Reuter, Alderman  
B. J. Mathews, Alderman  
George F. Wulff, Alderman  
J. C. Duncan, Alderman  
F. C. Klaiss, Building Inspector

*Kewanee:*

Thomas J. Welch, City Attorney

*Lake Forest:*

James F. King, City Clerk  
W. P. Altenhoff  
J. E. Anderson

*Macomb:*

S. B. Dawson, Mayor  
George B. Holmes  
Fred R. Johnson  
George W. Reid

*Macon:*

William T. Lindley, Alderman  
W. L. Patterson, Alderman

*Maywood:*

H. W. Tolsted, President

*Mendota:*

R. C. Madden, Mayor  
L. F. Knauer, Alderman

*Moline:*

M. R. Carlson, Mayor  
C. V. Johnson  
G. E. Ericson

*Monmouth:*

L. E. Robinson, Alderman

*Morris:*

T. H. Hall, Mayor  
Earl D. Fuller, Alderman

*O'Fallon:*

C. E. Tiedemann, Mayor

*Paris:*

W. H. Hoff, Mayor

*Pittsfield:*

Dr. F. N. Wells

*Quincy:*

W. K. Abbott, Mayor

*Rockford:*

W. W. Bennett, Mayor  
W. F. Murphy, Alderman  
George Blomgren, Alderman  
Aug. Walgren, Alderman  
W. A. Boom, Alderman  
O. L. White, Alderman  
Edwin Main, Engineer

*Rock Island:*

M. T. Rudgren  
John H. Liedtke

*Springfield:*

Charles T. Bauman, Mayor  
W. J. Spaulding, Commissioner  
A. D. Stevens, City Attorney

*Urbana:*

Olin L. Browder, Mayor  
John B. Bennett, Alderman  
Charles C. Clark, Alderman  
F. E. Parris, Alderman  
Elmer H. Johnson, Alderman  
John A. Fairlie, Alderman  
W. G. Spurgin, Corporation Counsel

*University of Illinois:*

Dean Kendric C. Babcock  
Professor A. N. Talbot  
Professor F. H. Newell  
Professor Edward Bartow  
Professor J. W. Garner  
Assistant Professor John M. Mathews  
R. M. Story  
J. G. Stevens  
H. E. Babbitt  
R. E. Cushman

**CITIES REPRESENTED AND NUMBER OF REGISTERED DELEGATES AT THE ANNUAL CONVENTIONS OF THE ILLINOIS MUNICIPAL LEAGUE**

Name of city	CONVENTION YEAR		
	1914	1915	1916
Arcola .....	0	4	0
Bement .....	1	0	0
Bloomington .....	0	3	3
Cairo .....	0	0	1
Carbondale .....	0	1	0
Carthage .....	0	1	0
Champaign .....	3	10	3
Chicago .....	3	2	3
Clinton .....	0	4	2
Collinsville .....	0	0	5
Decatur .....	0	0	3
DeKalb .....	0	1	2
DuQuoin .....	0	0	1
Elgin .....	1	0	0
Evanston .....	2	2	1
Freeport .....	0	2	2
Galesburg .....	0	1	1
Greenville .....	0	1	0
Hillsboro .....	1	0	0
Hoopeston .....	0	1	0
Jacksonville .....	0	0	4
Joliet .....	0	2	4
Kankakee .....	1	12	6
Kewanee .....	0	0	1
Lake Forest .....	0	1	3
Macomb .....	0	0	4
Macon .....	2	0	2
Martinsville .....	1	0	0
Maywood .....	0	0	1
Mattoon .....	0	1	0
Mendota .....	0	2	2
Moline .....	0	0	3
Monmouth .....	0	0	1
Morris .....	2	0	2
Mt. Carmel .....	1	0	0
Moweaqua .....	0	1	0
O'Fallon .....	0	1	1
Olney .....	1	1	0
Ottawa .....	1	2	0
Paris .....	1	1	1
Paxton .....	1	0	0
Pittsfield .....	0	0	1
Quincy .....	0	0	1
Rockford .....	3	4	7
Rock Island .....	0	0	2
Salem .....	1	0	0
Springfield .....	1	3	3
Urbana .....	9	5	7
Winona .....	1	0	0
Total delegates .....	37	69	83
Number of Cities .....	20	26	32

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PROCEEDINGS  
OF THE  
FOURTH ANNUAL CONVENTION  
OF THE  
ILLINOIS MUNICIPAL LEAGUE  
HELD AT THE  
UNIVERSITY OF ILLINOIS  
December 6-7, 1917



PUBLISHED BY THE UNIVERSITY OF ILLINOIS  
URBANA





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**ILLINOIS MUNICIPAL LEAGUE**

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**UNIVERSITY OF ILLINOIS**  
Urbana-Champaign  
December 6-7, 1917



*The University.*

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# MINUTES OF THE FOURTH ANNUAL CONVENTION OF THE ILLINOIS MUNICIPAL LEAGUE

Held at the University of Illinois, Urbana-Champaign, Illinois,  
December 6 and 7, 1917.

## FIRST SESSION

The Fourth Annual Convention of the Illinois Municipal League, held jointly with the League of Illinois Municipalities, was called to order in the Physics lecture room of the University of Illinois on Thursday, December 6, shortly after 2 o'clock p. m.

President William C. Barber, Mayor of Joliet, addressed the convention with special reference to the proposed union of the Illinois Municipal League and the League of Illinois Municipalities, and the effect of the war on municipal problems and activities.

Secretary John A. Fairlie presented a report on the membership and finances of the Illinois Municipal League.

Professor A. R. Hatton of Cleveland, Ohio, gave an address on Municipal Home Rule in Ohio.

This was followed by discussion and by abstracts of papers on municipal home rule in Missouri, Michigan, Nebraska, Oregon, Texas and Washington.

Dr. Robert E. Cushman, of the University of Illinois, presented a paper on Municipal War Work, discussing the various lines of municipal activity which had been undertaken and which might be undertaken to aid in the prosecution of the war.

Professor H. H. Stoek, of the University of Illinois, representing the Illinois State Fuel Administration, spoke briefly on the question of fuel conservation.

Mayor H. J. Rodgers, of Jacksonville, presented the report of the committee on legislation on the work of the committee at the regular session of the general assembly.

On motion the report of the committee was accepted, with a special vote of commendation.

#### SECOND SESSION

On Thursday evening the representatives attending the convention of the Illinois Municipal League held an informal meeting at the Hotel Beardsley in Champaign.

President William C. Barber introduced Mayor James E. Harley, of Aurora, president of the League of Illinois Municipalities. Mayor Harley discussed several municipal problems including finances, garbage disposal, local improvements, parks and playgrounds, and delinquent children.

This was followed by an active and informal discussion by those present on a number of municipal problems, including finances, the effect of the war on improvement work, water works, street pavements, sewerage, oil roads, gas rates, public utility grants, municipal light plants, and ornamental street lights. Among those taking part in this discussion were: Mayor E. E. Jones of Bloomington; Mayor J. F. Sprague, of Bement; Mayor George K. Crichton, of Herrin; Mayor W. H. Spicer, of Marseilles; Mayor T. E. Essington, of Streator; Mayor E. F. Bradford, of Ottawa; Clifford G. Roe, assistant corporation counsel, and Frank R. Reed, of Chicago; George C. Sikes, of the Chicago Bureau of Public Efficiency; Mayor H. J. Rodgers, of Jacksonville; Mayor Edward N. Stein of Blue Island; Robert A. Hatcher, city clerk of Cairo; Commissioner George Brown, of Joliet; Mr. J. N. Fining, of the East St. Louis Chamber of Commerce; Mayor H. H. Stahl, of Freeport; Mayor William Moore, of Hoopeston; Mayor H. W. Tolsted, of Maywood; James K. Lauher, city attorney of Paris; Frank J. Grommes, city clerk of Aurora; Mayor John W. Kendall, of Farmer City; Mayor W. H. Hoff, of Paris; and Professor A. R. Hatton.

President Barber announced the appointment of the following committees:

*Committee on Resolutions and Amendments  
to the Constitution*

Mayor H. J. Rodgers, of Jacksonville  
Mr. Clifford G. Roe, of Chicago  
Mayor W. H. Hoff, of Paris  
Mayor H. H. Stahl, of Freeport  
Mayor E. F. Bradford, of Ottawa

*Committee on Nominations*

Mayor E. E. Jones, of Bloomington  
Mayor George K. Crichton, of Herrin  
Mr. James F. King, city clerk of Lake Forest  
Mayor T. H. Hall, of Morris  
Mayor S. C. Tucker, of Champaign

THIRD SESSION

On Friday morning the third session of the Illinois Municipal League was held in the Physics lecture room at the University of Illinois, beginning about 9:30 a. m. The following papers and addresses were given:

Professor C. S. Sale of the University of Illinois, on Atmospheric Sanitation (illustrated with lantern slides).

Professor James E. Smith of the University of Illinois, on Municipal Waste Disposal by Cremation.

Clifford G. Roe, assistant corporation counsel of Chicago, on Community Morals.

James S. Baldwin, city attorney of Decatur, on the Sanitary District Law.

These papers were followed by informal discussion of the questions presented.



## FOURTH SESSION

The Friday afternoon session of the Illinois Municipal League was called to order about 2 o'clock p. m., and the following papers and addresses were presented:

George C. Sikes, of the Chicago Bureau of Public Efficiency, on the City Manager Plan for Chicago.

John B. Tanner of Chicago, on Municipal Accounting.

Earle U. Rugg of Monmouth, on Street Railway Grants in Illinois.

A paper on the League of California Municipalities, by William J. Locke, was presented and ordered to be printed in the Proceedings.

The committee on resolutions presented the following report:

*Resolutions*

*Whereas*, The Illinois Municipal League and the League of Illinois Municipalities have met in joint session, and have agreed through their officers that the two organizations be merged into one. Be it

*Resolved*: That the Illinois Municipal League and the League of Illinois Municipalities be combined into one organization, to be known as the Illinois Municipal League. That the following Amendments to the Constitution of the Illinois Municipal League be adopted:

Amend Article II, Section 2, to read as follows:

The Annual membership fee shall be as follows:

For cities and villages of less than 2500 population.....	\$ 5.00
For cities and villages between 2500 and 5000 population....	10.00
For cities and villages between 5000 and 10,000 population..	15.00
For cities and villages between 10,000 and 20,000 population	20.00
For cities and villages between 20,000 and 50,000 population	30.00
For cities and villages between 50,000 and 100,000 population	40.00
For cities and villages of more than 100,000 population.....	50.00

The annual membership fee for chambers of commerce, boards of trade, civic clubs and other organizations shall be the same as for the city or village in which they are located.

The annual membership fee for individual persons shall be \$3.00.

Amend Article IV. to read as follows :

SECTION 1. The Officers of the League shall be a President, three Vice-Presidents, a Secretary-Treasurer, a General Counsel and a Statistician, who with five other members shall constitute an Executive Committee. These officers shall be elected at the annual convention.

*Resolved* : That the Illinois Municipal League heartily favors a revision of the Constitution of Illinois, for the purpose of securing an adequate measure of municipal home rule, and urges all citizens to support the proposal submitted by the last General Assembly to call a constitutional convention for this purpose.

*Whereas*, The cities of Illinois are now facing a serious shortage in their corporate revenues, due to the war and other causes,

Be it *Resolved* : That the Illinois Municipal League and the League of Illinois Municipalities representing the cities of Illinois in convention assembled, do here petition His Excellency, Governor Frank O. Lowden, to call a special session of the General Assembly and do also appeal to the State Senator and State Representatives of Illinois to assemble in special session, for the purpose of relieving the situation by legislation, which will enable all the cities of Illinois to increase their general revenues by taxes to meet the urgent needs of the health, fire, police, street and other departments in the present emergency.

*Whereas*, There exists at present a serious congestion of freight on all the railroads of the country, and with new demands now being made on the roads on account of the moving of war materials and munitions, and with the prospect that these demands, together with the movement of troops, will grow heavier as the war progresses ; and

*Whereas*, The Government at Washington has suggested and advised the use of existing, and the building of new, waterways wherever practicable and possible, as a means of relieving the very serious congestion of freight now existing,

Be it *Resolved*: By the Illinois Municipal League and the League of Illinois Municipalities, in joint session assembled, that every effort should be made by the people of the State of Illinois to aid in solving the problem of freight congestion so far as it is possible of being solved, and that in line with this thought that this joint convention petition His Excellency, Frank O. Lowden, Governor of the State of Illinois, to call a special session of the Legislature at as early a date as possible to take up the matter of legislation, authorizing additional waterway construction so that the congestion of the railroads may be relieved as speedily and effectively as possible, thereby aiding the national government in its war work.

*Whereas*, A strenuous effort is now being made by the national government for the conservation of food, fuel and other resources, and for other measures to aid in the conduct of the war,

Be it *Resolved*: That the Illinois Municipal League offer its assistance to the State Council of Defense, to aid in any way possible, in meeting the problems arising out of the war; and that the President of the League be authorized to appoint any necessary representatives or committees of the League for this purpose.

*Resolved*: That the Illinois Municipal League, as an application of the principle of municipal home rule, favors the passage of a state law, under which any city or village which so wishes may adopt the manager form of government.

*Whereas*, We feel that among the greatest curses with which the cities of this state have to contend are prostitution and the diseases incident thereto,

Therefore, be it *Resolved*: That the Illinois Municipal League and the League of Illinois Municipalities, in convention assembled, representing the cities of Illinois, do hereby go on record as strongly opposed to commercialized vice or segregation, in

any manner, of houses of prostitution, and that the Mayors and officials here assembled will do everything in their power to repress and aid in the suppression of prostitution.

On motion the first resolution and the amendment to the constitution of the Illinois Municipal League were unanimously adopted.

Resolutions endorsing the proposed constitutional convention, urging a special session of the legislature for legislation relating to city revenue and waterways, for municipal war work, in favor of an optional law for the manager form of city government, and on community morals were also on motion unanimously adopted.

The committee on nominations submitted the following nominations for officers and members of the executive committee for the ensuing year:

President—Mayor H. J. Rodgers, of Jacksonville  
1st Vice-President—Mayor H. H. Stahl, of Freeport  
2nd Vice-President—Mayor James E. Harley, of Aurora  
3rd Vice-President—Mayor Geo. K. Crichton, of Herrin  
Secretary-Treasurer—John A. Fairlie, of Urbana  
General Counsel—Clifford G. Roe, of Chicago  
Statistician—William G. Adkins, of Chicago

Members of the executive committee: Mayor E. E. Jones, of Bloomington; Mayor Charles F. Bauman, of Springfield; Mayor H. P. Pearsons, of Evanston; Mayor W. H. Hoff, of Paris; Mayor William C. Barber, of Joliet.

On motion the report was adopted and the nominees present were unanimously elected to the respective offices.

Retiring President Barber, after a few remarks, called the newly elected President Rodgers to the chair; and the latter addressed the meeting in regard to the work of the league.

On motion of Clifford G. Roe it was voted that the next meeting of the league be held in Chicago.

On motion of Mayor Barber it was voted that the executive committee be authorized to make an assessment on cities and villages, if needed to raise funds in connection with the session of the general assembly.

On motion of Commissioner Brown, of Joliet, it was voted that a copy of the resolutions urging a special session of the general assembly be sent to Governor Frank O. Lowden.

On motion of Mr. Roe it was voted that copies of the resolutions adopted by the league be sent to the members of the general assembly and to each city mayor and village president in the state, with bills for dues to the cities and villages.

After further informal discussion the convention adjourned.

## PRESIDENT'S ADDRESS

WM. C. BARBER, MAYOR OF JOLIET

Gentlemen of the Fourth Annual Convention of the Illinois Municipal League:

Preliminary to the presentation of the message which I would bring to you to-day permit me to say that it was my great pleasure to accept the invitation presented to me by a substantial group of Illinois municipal officers to be present and take part in the First Annual Convention of the League of Illinois Municipalities which was held in the City of Chicago on the 29th, 30th and 31st days of March of the current year, and that at the close of a most profitable conference it developed that the older league and the newer league had practically a common aim and a common purpose and covered practically a common field of activity. This led to a decision that economy and efficiency could best be served by uniting the efforts of the two leagues, and as president of the older organization I have taken the liberty, gentlemen, to extend to the officers and members of the newer organization an invitation to join with us in this convention. Personally I can see no valid reason for perpetuating the old feeling of antagonism which seems to have placed a barrier between the City of Chicago and "Down State," so called. Chicago's government has its problems peculiarly its own, so far as the balance of the state is concerned; and I believe that the people of Joliet and of every other city as well as of the country districts throughout Illinois should lend all needed help to assist Chicago in obtaining from our legislature any and all proper enactments desired by Chicago to make for the good government of its citizens. With such support from the portions of Illinois located outside of Cook County I have no hesitancy in stating that I believe that the senators and representatives elected from Chicago districts will be found ready to reciprocate and assist in the passage of statutes needed from time to time by the people who reside in the other parts of the great State of Illinois. The older league has for many years past, as I am advised, endeavored particularly to interest the

municipal officers of Chicago in its annual gatherings, but without avail prior to our last annual convention when Mayor William Hale Thompson sent to us as his personal representative Mr. Clifford C. Roe, Assistant Corporation Counsel, and it gives me much pleasure to see Mr. Roe and a large number of the officers and members of the newer league, including President James E. Harley, Mayor of Aurora, present with us this afternoon. I trust, gentlemen, that each of you will take early opportunity to get acquainted with these men, and to them officially I here extend a most cordial welcome to the fellowship of the Illinois Municipal League.

The message that I bring, gentlemen, is the question: Revenue or Retrenchment, which shall it be?

There is but one question to-day before the people of this state and this nation and that is: How can we best win the war? There is no doubt in my mind but that we shall win the war, but I will take no time here to offer arguments, evidence or logic to substantiate that statement. We are set for the conflict and I do not think that a single person here present foresees any other result than a successful termination under the policies promulgated by President Wilson.

What, then, is to be the relation to the war program of ourselves individually and of the municipalities which we severally represent?

The increased cost of everything which is needed to maintain the homes of our several cities and villages has produced everywhere a strong expression in favor of adopting such a policy as would result in the reduction of taxes. The extension of local pavements, sewers, water-mains, crematories, parks, water pumping systems, bridges and other municipal activities is at this time strongly decried. The plea is to put over such improvements until "after the war,"—without any assurance on the part of the protestants that when the war is over they would then be ready to order and pay for such improvements.

Every civic administrator of any experience will immediately recognize that at least ninety-five per cent of such protests are expressions from individuals who are always "against the government" and who, if they had their way, would never order and pay for improvements. Such people live in the cities and villages for what the communities offer of advantage to them, such as employment, good schools and churches, and good social conditions; but they are not willing to pay for these things. There is a strong fallacy very prevalent everywhere to the effect that cities somehow, somewhere, have or can obtain all of the money needed to do their work. A moment's reflection would advise these people that any city or village has to buy in the open market—the market in which they individually must buy—all labor and all supplies needed to render the service which that municipality performs. Further, the ordinary experience of cities is that they have to pay a higher price for everything needed by them for the reason that the city's credit in the market is generally not so good as that of the individual. One then wonders why such individuals stay in the cities and why with the strong call from the rural districts for help they do not go to the country to live where special assessments and high general taxes are not known. The answer to me seems to be that such criticism is neither fair nor honest and that the critics want the good conditions of living which the cities afford but want some one other than themselves to pay the cost.

The next thought then is, do the majority of the people want good or bad government, and an efficient or a wasteful administration of their civic affairs? My friend, the City Manager of Dayton, Ohio, Henry M. Waite, has done much useful work and brings much study and thought to that work. He is very much given to epigrammatic speech and at least on two occasions I have heard him voice his opinion in these words: "No city enjoys any better government than it desires and deserves." To me there is much deep meaning in that expression of thought, and I believe that it applies to all of our municipalities.

The administration of any city stands practically in the same relation to its citizens that the mother is to her child. The child



is ill and threatened with a severe sickness; the mother, recognizing the ailment, procures the medicine which is very unpleasant to the child to take and notwithstanding the protests of the child insists that it be taken; it must be and is taken by the child, to the end that the child may be well again. Unless your municipalities, gentlemen, differ much from my own, your experience in the making of any improvement in your respective communities is parallel with the illustration of the mother and the child.

The service rendered to our respective communities by those employed in the different departments of the city service is probably no more than that rendered through past years. Notwithstanding this fact we must all find some way of increasing the pay of these men for the sole reason that the same schedule of pay which prevailed three years ago does not give to them to-day the same pay that they then enjoyed within forty per cent, for the dollar intrinsically is good only for what it gets and its purchasing value in the open markets to-day makes it equal to about seventy cents in the markets of three years ago.

Granted, then, the necessity of increasing the amount required for our payrolls and facing the increased cost of all materials and supplies which each of our cities and villages must buy if we even maintain without increasing the service which we now render, it is perfectly plain to me that we must either reduce the service or increase our revenues. What shall it be?

## REPORT OF THE SECRETARY-TREASURER

A record of the attendance and membership in the league since its organization three years ago should be of interest.

### *Membership*

At the first convention, held in Urbana in 1914, 37 delegates were present from 20 cities and villages; at the second convention, 69 delegates were present from 26 cities and villages; at the third convention, 83 representatives, from 32 cities and villages. At the three conventions representatives have been present from a total of 49 cities and villages.

During the first two years only about a half of the cities which sent delegates to the convention paid membership dues, and no city paid dues which had not been represented at a convention. During the past year, owing to the active campaign by Mayor Rodgers, not only have nearly all of the cities which have attended the convention sent in dues and assessments, but 35 other cities which have not heretofore been represented at any convention also sent in their contributions. Including these, the total number of cities and villages which have been actively connected with the league during the last three years reaches 84. These include more than half of the cities of over 10,000 population, with a considerable number of smaller cities and villages.

### *Finances*

The finances of the league for the past year, as shown in the following table, have been on a larger scale than heretofore. While the revenues have been much more than formerly, the expenses have been even greater; and there is an outstanding deficit to be met. If further efforts are to be made to secure financial or other legislation at a special session of the general assembly, it will be necessary to provide for additional income, and the question of a change in the scale of dues should be considered.

## FINANCIAL REPORT

1916-17

*Receipts:*

Balance on hand December 7, 1916.....\$	\$113.93
Dues from 2 cities at \$50.....	100.00
Dues from 3 cities at \$40.....	120.00
Dues from 8 cities at \$30.....	240.00
Dues from 2 cities at \$20.....	40.00
Dues from 1 city at \$15.....	15.00
Dues from 23 cities at \$10.....	230.00
Dues from 26 cities at \$5.....	130.00
	<hr/>
	\$988.93

*Payments:*

## Third Annual Meeting:

General expenses.....\$	63.22	\$
Postage .....	35.00	98.22
	<hr/>	

## Office Expenses:

Clerical .....	\$ 56.10	
Printing .....	31.65	
Miscellaneous .....	4.30	92.05
	<hr/>	

## Legislative Expenses:

Leland Hotel .....	\$124.40	
Froman Smith.....	310.00	
H. J. Rodgers.....	255.07	
J. A. Fairlie.....	22.00	711.47
	<hr/>	

## Fourth Annual Meeting:

Clerical .....	\$ 25.00	
Postage .....	25.00	
Printing .....	15.75	65.75
	<hr/>	

Total .....\$967.49

Balance, November 30, 1917.....21.44

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\$988.93

## REPORT OF THE COMMITTEE ON LEGISLATION

H. J. RODGERS, MAYOR OF JACKSONVILLE

Mr. President and Gentlemen assembled :

I wish to submit the following report of legislative matters as I saw them for good and bad at the 50th session of the Illinois General Assembly.

The Committee on Legislation appointed at the meeting of December 8, 1916, were :

Mayor W. W. Bennett, Chairman.....	Rockford
Mayor H. P. Pearsons.....	Evanston
Mayor B. W. Alpiner.....	Kankakee
Mayor H. J. Rodgers.....	Jacksonville
Mayor J. L. Conger.....	Galesburg
Mayor E. E. Jones.....	Bloomington
Mayor M. L. Carlson.....	Moline
City Atty. A. D. Stevens.....	Springfield

Mayor Bennett, Chairman, called a meeting of the committee, to meet at Chicago, where we were the guests of Mayor H. P. Pearsons at the University Club. The preparation of bills to be presented to the legislature in the interest of cities, was thoroughly discussed in regard to revenue, sewage disposal, sanitary districts, wheel taxes, regulation of building in residential districts, and other matters.

The following resolutions were unanimously adopted by the Illinois Municipal League. (At the Chicago meeting of the League of Illinois Municipalities, practically these same resolutions were unanimously adopted.)

### RESOLUTIONS

*Unanimously adopted by the Third Annual Convention of the Illinois Municipal League at Urbana, December 8, 1916.*

*Whereas*, The cities of Illinois find themselves seriously handicapped on account of obsolete and inadequate constitutional provisions and laws, which in many cases render efficient city government impossible; and

*Whereas*, We strongly favor the principle of home rule in municipal affairs; therefore,

*Be it Resolved*, By the Illinois Municipal League, representing the cities of this state, in convention assembled:

That we favor a constitutional convention for the revision of the state constitution; and urge the general assembly to submit to the people the question of calling such a convention;

That pending the full relief to be had by a constitutional convention from the demoralization which now exists in the application of our assessment and tax laws, there should be granted to cities the power to make necessary increases in their revenues; and the league authorizes and directs its committee on legislation to use all honorable means to secure an advance in the limit now placed by law upon taxes for general corporate purposes, from 12 to 20 mills on the dollar of the assessed value of property;

That in view of the necessity for additional legislation to enable cities to deal with problems of sewage disposal and sanitation, the league authorizes its committee on legislation to use its efforts to secure such legislation;

That, while we commend the efforts of the state public utilities commission to regulate the service and rates of privately owned public utilities, we are unalterably opposed to any legislation which will in any way curtail or diminish the powers granted to cities to own and operate their own utilities or to sell the products thereof, or which will in any way interfere with the operation and management by local city governments of the utilities owned by cities of this state;

That the league urgently recommends that the General Assembly make an appropriation of \$10,000 a year for the maintenance and support of the municipal reference bureau at the University of Illinois, as a central clearing house of information for the cities and villages of the state.

The resolution for the constitutional convention was passed without much opposition, and will be submitted to a referendum vote at the November election, 1918.

The bills for sewage disposal and sanitary districts, common outlet, were passed ; as also a bill providing how cities with water departments must supply adjoining cities or villages.

House Bill 465 to permit street railways to surrender their franchises and compel city councils to issue to them an indeterminate permit, and House Bill 466, to put municipal utilities under the public utilities commission, compelling a municipality to prove necessity and convenience before such municipality could engage in commercial utility business, were presented.

Your committee on March 31, 1917, mailed a letter of protest to each mayor and village president in the state. These bills never got past the house committee.

The senate passed a bill creating the Municipal Reference Bureau at the University of Illinois, to be financed through the university budget. The house killed the bill.

The part of the resolution that would do the most universal good and relieve more troubles of all the cities and villages in the state, was that to change the tax rate from twelve mills to twenty mills. As the resolution of the league authorized and directed its committee on legislation to use all honorable means to secure an advance in the limit now placed by law upon taxes for general corporate purposes, Attorney A. D. Stevens and Commissioner W. J. Spaulding of Springfield and H. J. Rodgers of Jacksonville, being in and near Springfield, were appointed a special committee to prepare proper bills to present to the legislature which would make possible the desired increase in revenue. Mr. J. A. Fairlie, your secretary, prepared Senate Bill 192, which provided for the increase from twelve mills to twenty mills per \$100 equalized valuation ; and Senate Bill 193, a companion bill, which amended the Jval Law, which places limits on the total rate. These were introduced in the senate by Senator Barr of Joliet, and were referred to the judiciary committee, of which Senator Barr is chairman. The bills as presented extended the increase to all the cities of the state. They were amended in the judiciary committee to apply only to cities of 150,000 and under. The senate committee amended Bill 193, granting an increase to

the schools of Chicago of five cents, to take over the forty-eight or more play grounds of the city which were being maintained at the expense of the municipality at a cost of \$500,000 per annum. This change gave Chicago \$500,000 or more revenue. Eight cents was added for libraries in Chicago. The bill was passed by the senate and sent over to the house.

In the house, it was referred to the municipalities committee, Mr. Dahlberg, chairman. Opposition to these bills had been previously expressed by Representative Gorman of Peoria, who took the position that there must be a referendum clause attached. After a long debate, the bills were reported out, that they do pass as amended, etc.

After a long wait in the committee, the bills were put to first reading; and were not up for second reading until June 16, 1917, the last week of the legislature, at which time your committee wired twenty mayors of the larger cities of the state to be on hand to encourage the representatives. Eighteen arrived and were active in their support. Speaker Shanahan was against the bills. The result was that he would not let the bills come up as agreed, until Saturday at one a. m., of the Friday session, when they passed second reading. On Sunday morning at one thirty a. m., of the Saturday session, they finally passed third reading, after an extended debate and adding a referendum clause and an amendment to Bill 193 increasing the scaling limit for county taxes from fifty-five cents to seventy-five cents. The bills went to the senate for concurrence, which was completed at five thirty a. m. Sunday, just before final adjournment.

Your committee on legislation gave a banquet at the Leland Hotel in Springfield some time in February, soon after the General Assembly had been organized and the various committees appointed. To this banquet were invited about seventy-five guests who were chairmen of various committees, Speaker Shanahan, Lieut. Gov. Oglesby and others. Various subjects in the interests of cities were discussed.

Your committee employed Mr. Froman Smith of Springfield, as an active agent, to attend all sessions of the legislature and keep

us posted as to bills that were presented for and against interests of cities, etc. He was a faithful and valuable assistant to the "last trench."

In order to obtain the necessary funds, about \$1,000, to carry on this work, your committee mailed a letter with synopsis of Bills 192 and 193, to each city and village, and a bill for their dues as allotted to them by the Illinois Municipal League. The need for more revenue was so universal that response was quick by remittance. Some towns did not have any funds or money to pay with, but expressed their hearty approval and desire that the bills be passed. Numerous letters and copies of the bills were mailed to each city, so that friend or foe to the measure had notice of what was being done. Some few mayors would not consider anything except just how it would affect them and their city, losing sight of the broader vision that other cities needed the relief if they did not, also that they would not be compelled to levy a twenty mill tax unless they so desired, any more than they have to levy the twelve mills as now customary.

All legislation should be considered as to the benefits to the largest number and not as to a selfish or personal interest. For instance, the finance committee of the Chicago city council would not give any assistance last winter. They said they were not interested, but other city officials of Chicago were interested and did do good service for the down state cities. Yet your committee encouraged and assisted in having our Bill 193 amended to add the five cents for schools and the eight cents for libraries of Chicago, believing that they were entitled to relief, whether we received our relief or not.

While the referendum clause on Senate Bill 192 practically destroyed the usefulness of the bill, yet it was a distinct victory to get it and Bill 193 enacted.

While the Chicago finance committee were not interested then, they are now. Recently the Chicago city council passed a resolution requesting that Governor Frank O. Lowden call a special session of the legislature to relieve their financial distress, because they lost \$600,000 income by 600 saloons quitting business. I agree



with them that they should have immediate relief. But there is nothing in this state but that we should not enjoy in common. It has been reported that the Chicago finance committee and other civic bodies of the city were to call on Governor Frank O. Lowden on Friday, November 30, and request that he call a special session. In the interest of the down state towns, as well as Chicago, I took it upon myself to send the following telegram to every county seat mayor outside of Cook County :

Jacksonville, Ill., Nov. 28, 1917.

"Have mayors your county and yourself wire governor to call special legislature immediately same as Chicago has done, to enable increase revenue by taxes. Chicago delegation will call on governor Friday. Down state needs relief by removing referendum clause Senate Bills 192 and 3. Wire now.

H. J. Rodgers, Mayor."

So that when a special session is called, we will all be of one accord and get proper relief.

Taxes general and special are all taxes, a distinction without a difference. They should all be in the general fund, so the tax money could be used to the best advantage of the individual city and community. This is not a wet and dry proposition. Saloon licenses are a tax just the same. Do you realize that cities are not receiving any more dollars in taxes and licenses now than they did three years ago ; in fact, not so much ; while on the other hand, we are compelled to pay two, three and four dollars more for the things we have to buy. Money is the cheapest thing there is today ; it will buy less. So unless we get more dollars as cities we will all be bankrupt. It therefore behooves each city and its officials to get behind this movement and get the special session at once, if possible.

# CONSTITUTION OF THE ILLINOIS MUNICIPAL LEAGUE<sup>1</sup>

## ARTICLE I—NAME AND PURPOSE

*Section 1.* This organization shall be known as the Illinois Municipal League.

*Section 2.* The purposes of the League are the improvement of municipal conditions in Illinois, and to that end to hold an annual convention for the discussion of municipal problems; and to promote the establishment of a municipal reference bureau.

## ARTICLE II—MEMBERSHIP AND FEES

*Section 1.* Membership in the League is open to any incorporated city or village in Illinois; to the mayors, aldermen, commissioners and other city and village officials; to chambers of commerce, boards of trade and civic clubs; and to other interested citizens, on application and payment of the membership fee.

*Section 2.* The Annual membership fee shall be as follows:

For cities and villages of less than 2500 population.....	\$ 5.00
For cities and villages between 2500 and 5000 population.....	10.00
For cities and villages between 5000 and 10,000 population..	15.00
For cities and villages between 10,000 and 20,000 population	20.00
For cities and villages between 20,000 and 50,000 population	30.00
For cities and villages between 50,000 and 100,000 population	40.00
For cities and villages of more than 100,000 population.....	50.00

The annual membership fee for chambers of commerce, boards of trade, civic clubs and other organizations shall be the same as for the city or village in which they are located.

The annual membership fee for individual persons shall be \$3.00.

## ARTICLE III—MEETINGS

*Section 1.* An Annual Convention and other meetings of the League shall be held at such times and places as may be determined by the annual convention or by the executive committee.

*Section 2.* Each city, village and organization holding mem-

<sup>1</sup>As amended December 7, 1917.

bership in the League shall be entitled to such representation as may be determined by its council or managing body. In electing officers and selecting the place of meeting, each city or village represented shall be entitled to one vote. On all other questions all representatives and members present shall be entitled to vote.

#### ARTICLE IV—OFFICERS

Section 1. The Officers of the League shall be a President, three Vice-Presidents, a Secretary-Treasurer, a General Counsel and a Statistician, who with five other members shall constitute an Executive Committee. These officers shall be elected at the annual convention.

#### ARTICLE V—AMENDMENTS

Section 1. This Constitution may be amended at any annual convention by a two-thirds vote of those present and voting.

## MUNICIPAL WAR WORK

ROBERT E. CUSHMAN

*Instructor in Political Science, University of Illinois*

The gigantic task in which America now finds herself engaged is demanding of every individual, organization and governmental unit two things. The first is service, loyal, unstinted, intelligent, efficient. The other is team-work. It is not enough to realize that every resource of property and energy must be put unhesitatingly at the nation's disposal. We must paraphrase Milton's famous line to read "He also serves who keeps from getting in the way," and stand willing to cooperate to the point of individual self-effacement, to coordinate our activities so that friction is avoided, useless duplication of effort is spared, leakage and waste and inefficiency are stopped.

This, then, is the two-fold task of the American municipality in war work—to render cheerfully its utmost service; and to render it in intelligent cooperation with all the other agencies, great and small, which are putting forth their own loyal efforts to the same great end. It is these two aspects of municipal war service which will mark out the two main divisions of this paper.

### I. TYPES OF MUNICIPAL WAR WORK

In the first place, then, what can the American city do to help win the war? Perhaps this question may be most easily answered by stating briefly what the American city has thus far done. Naturally, needs, opportunities and facilities for war service differ widely. They will vary with the size, location, racial problems and industrial conditions of the municipality. The city of 30,000 need not strive to duplicate the war activities of the metropolitan district of New York any more than it should content itself with emulating those of the country village. The following analysis, however, makes an effort to place on exhibition the more important styles and sizes of municipal war work, with the idea that the individual town or city may select those best suited to its own peculiar problems and conditions. These activities may be placed

roughly in ten groups, each one of which warrants some little comment.

### 1. *Coordination of Societies and Organizations*

First, there is the task of coordinating the patriotic work of societies and organizations. All kinds of private groups, clubs and associations, social, professional, political, religious, philanthropic and propagandist, are endeavoring to contribute in some degree to the successful prosecution of the war. Sometimes they are trying to do the same thing when there should be a division of labor; sometimes they are attempting different things when their energies and resources should be pooled; sometimes they are seeking to accomplish the same end by a variety of different means. Many municipalities have successfully arranged for a central agency, a local committee or council of defense, in which these agencies may be directly or indirectly represented, and through which their efforts may be coordinated so that the multiplication of overhead expense, the duplication of machinery and the wasting of effort may be largely eliminated. The energies of all the private agencies can thus be marshaled solidly behind a community effort, such as the promotion of the liberty loan, in which concerted action is necessary, while at other times each one can be assigned the particular kind of work which it is best fitted to do. One of the serious problems produced by the war has arisen from the repeated, competing, multifarious and sometimes ill-advised campaigns undertaken in so many cities by self-authorized persons or groups for the raising of money. One or two states have felt obliged to deal rather drastically with this problem, and passed legislation making it illegal to solicit war funds of any nature without first securing a permit from the state council of defense. It is believed that such stringent action would be unnecessary if in cities as well as in counties and states the patriotic activities of societies and organizations were coordinated by the creation of some central agency which could act as a sort of clearing house and directing force.

### 2. *Publicity and Education*

In the second place municipalities can make themselves most

efficient agencies of publicity and education on matters relating to the war and its problems. Its work in this direction may be either direct or indirect. To begin with, the city may, of course, pay for such advertising facilities as are necessary for its work and which it cannot secure free of charge. But many existing agencies and instrumentalities may be turned to account for this purpose without greater expense. Streets and public places may be utilized for purpose of display, parade or demonstration, public buildings may be used for mass meetings, the schools may be utilized as a means of reaching parents as well as children. Churches, clubs, theaters and newspapers are usually willing to cooperate in providing effective means of publicity, if the city will call upon such agencies and tell them what to do. It is unnecessary to discuss or even fully to enumerate the kinds of propaganda which the city might well further through the various means just mentioned. Whether it be helping Uncle Sam to recruit men for the army or navy, or persuading its citizens to buy a bond, or raise potatoes, or cut the loaf at the table, the municipality may render exceedingly valuable service to the nation by acting upon the principle that it pays to advertise.

### 3. *The Mobilization of Municipal Property and Labor*

In the third place, the city may place at the disposal of the national interest such municipal property and such time and energy of municipal officers or employees as may be so utilized without prejudice to the work and welfare of the city. Cities have only begun to realize, for example, how useful the public schools may be made for war service. As agencies of publicity they have already been mentioned. Municipalities here and there have found that school buildings are conveniently located and well equipped for meeting places after school hours, for various patriotic gatherings, that they can be effectively utilized for headquarters for registration or draft, for administering relief, for assembling and dispatching war material or for the conducting of work among aliens. School gymnasiums, playgrounds and parks have been put at the disposal of organizations, official or private, who have wished facilities for military instruction and drill. Other public

buildings have been made available in like manner. Vacant land owned by the city has been thrown open for the cultivation of war gardens. Not only have buildings and property been enlisted in war service, but the municipality has in some instances set its officers and employees at work to the same end. With careful planning several kinds of work may be turned over to the police department without perceptibly interfering with the efficiency of that organization. The officer on the beat is frequently in a position to secure information, make inquiries and investigate conditions much more easily than any one else. The invaluable service rendered by the police of New York City during the hard times of three years ago in helping to cope with the problem of unemployment is illustrative of what may be done along this line. There is no reason why the police officer in these war times should not secure data regarding unemployment, destitution, location of aliens and many other matters about which the municipality ought to keep itself informed. In short, if our cities were to make a careful inventory of their present resources and use their imaginations and ingenuity, they would be astonished at the extent of the war service they could render with very little expense merely by this effective mobilization of their property and the spare time of their public servants.

#### 4. *Employment and the Labor Supply*

A fourth form of war service open to the municipality relates to labor and employment. If there ever was a time in the history of the country when there was no excuse for idleness, now is that time. And yet the problem of bringing together the man who can do the work and the job that needs to be done is not an easy one. One of the most common forms of municipal, county and state war activity has been that of trying to solve this problem of the distribution of labor. A free employment agency constantly endeavoring to keep in touch with men available for work in war industries or on the farms renders invaluable service when co-operating with those state or national agencies which are attempting to place most advantageously every available unit of labor. Such an employment bureau or labor exchange can also keep a

register of the persons who are willing to volunteer for various forms of war service and act as a medium between them and those who can effectively direct their patriotic efforts.

#### 5. *Relief—Charities—Health*

In the fifth place, an important work can be done by our cities in the dispensing of needed relief, the administration of charity and the safeguarding of public health. First of all, the families of the men who are in the army and navy will frequently need at least temporary assistance until the national government can apply a permanent policy for their relief. Even more frequently will they need comfort and advice and guidance. Surely the city can do no more useful work and discharge no higher obligation than in rendering such aid as it can to these people. Many of the problems incident to the ordinary administration of public charity become more complex and acute under the stress of war and will call for special exertions and high efficiency on the part of the city. And, finally, at a time when the staying power of the nation is more than ever before dependent upon the physical vigor of its citizens and at a time when many of the common restraints and precautions are in danger of being forgotten, the municipality must put forth unusual efforts to see that existing health regulations are rigidly enforced and new measures taken to meet emergencies which may arise.

#### 6. *Work among Aliens*

A sixth and most important type of war service may be rendered by many cities in dealing with aliens and the problems which their presence in our midst creates. The acuteness and complexity of this problem will vary greatly from place to place. In cities where aliens are numerous at least three forms of work may well be undertaken under the direction of the municipal authorities. First, we note certain protective measures which may be taken to forestall or check depredations or injurious propaganda carried on by enemy aliens. Of course, the national government is the authority which must deal with the cases of treason, espionage and sedition. The city may render valuable aid, however, by securing through its police or other agencies as accurate infor-



mation as possible, relating to the presence of enemy aliens or the existence of suspicious circumstances. Should it seem desirable to require a nation-wide or state-wide registration of aliens the cities would naturally undertake the task of doing that work or helping with it within their own limits.

Secondly, either directly or by coordinating the work of other agencies, the city may help along the Americanization of aliens. Suggestions, information, advice and encouragement are frequently needed by the foreigner who wishes to become naturalized. With the enormous increase in the number of applicants for citizenship, the need has also increased for agencies which will help the alien through the complexities of the naturalization process, and many municipalities whose foreign-born population is large, have rendered efficient service in this direction.

Thirdly, some cities have established bureaus for the purpose of bringing about among the foreign-born—be they naturalized or not—a greater feeling of loyalty for the government and of giving them an opportunity to air their grievances and understand more fully why sacrifices and burdens are required of them. It has been true, in many cases, that the most absurd and erroneous ideas regarding conscription have prevailed among relatives of drafted men of foreign birth many of whom do not understand English. These ridiculous impressions turn the potential patriot into the bitterest malcontent. To the shame of some communities, peaceful and law-abiding German or Austrian citizens have been subjected to wholly unwarranted abuse and discrimination by persons to whom all Germans look alike; and these bureaus have been able to adjust many such difficulties and preserve the loyalty of the man who is trying his best to adjust himself to the bitter fact of war between the country of his birth and the country of his adoption. The problem of the alien in time of war has vexed the nations of Europe and is vexing us. It must be met with firmness, justice and tact. A municipality may do much in a broadminded and sensible way to keep that problem from becoming acute within its limits.

### *7. Food Production and Conservation*

In the seventh place, no more valuable work has been done by American municipalities than that designed to promote the production of food and its conservation. In the spring of this year, at the suggestion of Mr. Hoover and others, a very large number of our cities threw themselves wholeheartedly into the campaign for war garden and vacant lot cultivation. The ways in which municipalities aided in this work were multifarious indeed. It has already been mentioned that unused land owned by the city was thrown open to cultivation. In other cases the city either rented vacant land for gardens, or lent its support to secure the donation of the use of such lands. Some cities hired tractors to plow and harrow free of cost the lands which could not otherwise be made ready for planting, and in a few instances workhouse labor was employed for the purpose. Seeds were supplied at cost or even less, and water was sometimes supplied at half price for garden use. All the agencies of publicity at the city's disposal were put into play not only to persuade people to raise vegetables who had never done so before, but to put at their disposal expert advice, demonstration and assistance to enable them to carry out their good intentions. It is unnecessary to go further into detail regarding a matter so familiar to us all. It is enough to say that, largely due to the aid rendered directly or indirectly by the cities, the national food supply for 1917 was substantially increased, while the tired business man or laborer found in hoeing beans and potatoes his favorite outdoor sport. Similar efforts were made to aid the national movement for food conservation. Through the schools and other agencies municipalities helped the food administration by urging upon housekeepers the desirability of preserving and canning perishable products, and of conserving the supplies needed to feed the armies in the field.

### *8. Distribution and Marketing of Food*

The problem of food production and conservation suggests the related work which forms the eighth type of municipal war activity, namely, the work of helping in the marketing and distri-

bution of food. This is a problem which we have not solved and to which the energies and ingenuity of city, state and nation will have to be applied. Some of the municipal efforts to cope with it are, however, worthy of mention. Some cities substantially increased their marketing facilities by putting at the disposal of farmers and producers municipal property, under adequate regulation, for market purposes. In this way the producer and consumer were brought closer together to their mutual benefit. A few cities have adopted plans contemplating the establishment of what have been called "glut" markets, in which consumers who desire to purchase produce in large quantities for preserving or canning may do so at wholesale rates. It seems clear that in the future the American city is going to be called upon to face more directly and intelligently the problem of the distribution of the food supply.

#### 9. *Transportation Facilities*

A ninth form of war service which municipalities may render relates to the means of transportation. This is a problem which, of course, concerns more those cities or towns which are under the necessity of providing facilities for handling troops or war supplies. But there is no municipality which can afford to practice the false economy which would permit streets or roads or other transportation facilities to deteriorate. The avenues of traffic throughout the country should be kept efficient. Municipalities which, by reason of their location, become the centers for mobilization of troops or war supplies have taken more constructive measures to provide means of transportation. Registers have been made up of the owners of automobiles and other vehicles which could, in time of emergency, be placed at the service of the military department. Automobile squadrons have, in some cases, been organized out of those who are willing to serve in this way. There are many things which cities may do to aid in the prompt and efficient movement of soldiers and supplies.

#### 10. *Home Defense and Law Enforcement*

It remains to consider the efforts made by many cities to secure adequate home defense and effective law enforce-

ment. Once more the individual city will find its activities determined by its size, location, racial characteristics and other considerations. Ever since the dawn of history when armies have gone forth to war the duty of protecting the forsaken walls and firesides has devolved upon those who, by reason of age or other disabilities, were not called into the active service in the ranks. Many American municipalities are facing just that problem. The result has been the organization in many places of home guards made up of men who are not liable to federal service. These home guards are organized and drilled at such times as render unnecessary their withdrawal from their customary occupations. They are a sort of emergency police force or posse comitatus, available for the suppression of riots, disturbances or insurrections, and the guarding of strategic points such as bridges, tunnels, water supplies or cargoes of munitions or food. In some instances, as in New York and other metropolitan centers, they have been made adjuncts of the police force; but in other cases, their organization has been independent. Another measure for home defense has been the mobilizing and training of the police and fire departments for distinct war service. This has been done in several ways. By the organizing of police and fire reserves composed either of those not in active service who have had experience or of men who are applicants for positions in those departments, the effectiveness of the police and fire protection work has been well nigh doubled in some cases. The work of the two departments has been coordinated. The fire department has been trained to render "riot service" on the belief that a powerful stream of water is frequently as efficacious in dispersing an irresponsible mob as is the machine gun, and does the work with less danger to human life. The prevalence of incendiary fires has led a few municipalities to give the power to arrest to firemen so that suspicious characters at the scene of conflagration may be apprehended with the least possible delay. Stricter ordinances have been passed to control the possession and use of explosives; contractors, for example, being compelled to keep their stores of dynamite at night under the protection of armed guards.

A vigorous, steady and just enforcement of the law is a great preventive of crime and disorder. It is needed now as never before. Cooperation with the federal authorities for the discovery and suppression of sedition, treason and sabotage is the duty of every municipality. Throughout the country and especially near the military encampments every available means should be employed for the stamping out of the evils of vice and intoxication. No efforts made by the national government for the control of the moral conditions surrounding the army posts can be so effective as to render unnecessary all the help which the administrations of nearby municipalities can render. In short, in all these matters, no matter what the state or nation may attempt to do, on the city itself must rest a very large measure of responsibility for adequate home defense and protection, effective law enforcement and vice control.

Before leaving our discussion of the kinds of war work which municipalities have in the past, or may in the future undertake, it may be well to suggest that now, if never before, the American city must realize the necessity of subjecting every enterprise and activity to the most rigid tests of efficiency and economy. This is no time for slipshod work, partisan patronage, careless accounting and extravagance. In the city, as everywhere, retrenchment is the slogan. Waste is no longer merely foolish—it has become criminal. This does not mean that there must be a sharp reduction in the expenditures for necessary public work and the ordinary municipal undertakings. Municipal economy is sometimes to be judged perhaps not so much by the purposes for which the public funds are spent as by the value received for that expenditure. One of the luxuries which the American municipality must forego, as a war measure, if for no other reason, is the luxury of paying its officers, its laborers, its contractors, the firm from which it purchases supplies, more than it receives in services or goods.

## II. COOPERATION IN MUNICIPAL WAR WORK

The kinds of work which municipalities have found it possible to do to help win the war have been discussed, perhaps at too

great length. It remains to consider briefly the methods by which municipal war work may be coordinated with that of county, state or nation. What demands are made upon the city in the way of cooperation?

There are two phases to this problem of cooperation. There is first the problem of cooperative organization and there is second the problem of division of labor.

### 1. *Cooperative Organization*

In the first place, then, how should municipal war work be organized and how should that organization be connected with the county, state, or national councils of defense?

There is no hard and fast form of organization. The usual plan has been to appoint a council, nonpolitical in character, composed of men who enjoy the public confidence and who will give their services in an advisory capacity. Certain city officials may be members *ex officio* of that body, and frequently the problem of coordinating the war activities of private clubs or associations has been solved by making the heads of such organizations members of the municipal council of defense. This central council will serve as a general advisory and directing agency for the purpose of outlining and coordinating the work of the committees which it organizes to take charge of the special kinds of work in which it seems desirable to engage. It is assumed that all of the persons appointed to the municipal council of defense or its committees will serve without compensation. The city itself will probably pay the necessary expenses, although in some cases private generosity may make even this unnecessary. This scheme of organization is susceptible of many modifications and may be made as complex or as simple as local problems render desirable.

Assuming that the city has a satisfactory board or council organized which may direct its war activities, the manner in which it can bring itself into working relations with the forces of the state and nation will depend largely upon the way in which the state is organized for war service. Practically every state in the Union has organized a state council of defense to cooperate with the National Council of Defense.

The relationship between the municipal defense councils and the state councils of defense is in general of two distinct types. First there are states in which there is direct connection between the state council and that of the city, without the aid of any intermediate agency. Second, there are states in which the local unit for war work is the county, and the municipality is regarded as an administrative subdivision of the county.

Turning first to those states in which the cities cooperate directly with the state councils of defense we find considerable variation as to the scheme of organization. In the first place there are states in which the state council has been made large enough to include among its members, either active or advisory, the mayors of all the important towns and cities. In these cases, the mayors serving on the state council have naturally been able to direct more wisely the activities in their own cities. In the second place the direct cooperation of municipalities with the state council has been asked and received even when the county or township was the regular local unit for war work. In Iowa and New York, at least, direct appeals for assistance have been made to the mayors of cities. In Louisiana and Iowa the president of the municipal league of the state is a member of the state council of defense and, though in neither case does he hold that office *ex officio*, an additional channel of communication is thus opened up between the state and municipality. In the third place, there is the quite unique type of organization of war service in New Jersey. In that state all war activities are placed under the control of the adjutant general's office with which is associated a committee of public safety, composed exclusively of the mayors of the state and working through a small executive committee. While many states have councils of defense in which the officers of important cities have places, this seems to be the only instance in which the state council is composed only of city officials and on which no other subdivisions, interests and organizations are given representation.

Much more numerous, however, than these instances of direct cooperation between city and state are the cases where the county or township is made the unit for local war service. This county

form of organization has very generally commended itself to state defense authorities because it covers the entire geographical area of the state and brings both urban and rural districts alike into touch with the central agency.

The relation between the municipality and these county councils of defense differs from state to state. In a few cases the city organization will supersede that of the county. In New York City, for example, the mayor's committee on national defense controls the war activities of the five counties comprising Greater New York. In other cases where cities are important but do not swallow up the county they are given ample representation on the county councils of defense and may even dominate its policy though they do not exercise independent power. In many of the primarily rural middle western counties, however, the county council will itself control the war work for that district through the agencies of committees in towns or villages or in some cases by its own direct action. In the state of Texas the existence of the city is being ignored and a plan is on foot to organize, under the direction of the county councils of defense, subcommittees in every voting precinct in the county.

The foregoing analysis indicates how many possibilities there are in the way of organizing the war work of a state and giving the municipality a place in that general program of patriotic endeavor. Thus far the Illinois state council of defense seems not to have adopted any definite scheme of local organization. Should it decide to do so the probabilities are that the county would be made the local unit as such a plan would seem to be necessary to reach effectively all the districts in a state so largely rural. But it is hardly conceivable that any plan of organizing the war resources of the state would fail to avail itself of the services of such effective councils of defense as might be operating in the towns and cities of the state. Whether Illinois municipalities are asked to coordinate their patriotic efforts with those of a county organization or a state organization is a matter of small importance so long as they work loyally and cooperate intelligently and wholeheartedly.



## 2. *Division of Labor*

It has already been noted that while cooperation in war work demands efficient organization to that end, it also calls for division of labor between the cooperating agencies. Viewed from this standpoint of effective division of labor, the kinds of war service which municipalities may from time to time consider undertaking will fall into three distinct categories. First, there is work which the city alone should undertake or which it can effectively do independently. Second, there are tasks which the city must do in conjunction with the county or state organizations. And third, there are things which the city should not undertake at all but leave to the state or nation.

The war work which the city can most effectively do alone is that, of course, which relates to its own local problems or conditions, the assumption of its own unique responsibilities and obligations. By far the largest part of the service, however, which the municipality can render will fall in the second class of undertakings, in the doing of which it must work in effective cooperation with other agencies doing that task, or part of a task, in which it can best serve the great common end. Finally, there are a few sorts of municipal war work, entered upon with the best intentions and the highest motives which are rather generally admitted to be ill-advised. The Council of National Defense has urgently requested local defense organizations to postpone the adoption of any comprehensive plans for the permanent relief of soldiers or their dependents until the policy of the national government in regard to that matter shall have been worked out. The commandeering of supplies of food and coal and the fixing of prices should be done in accord with policies formulated to meet national or state rather than municipal conditions; and there have been some recent cases in which well-meaning mayors and sheriffs have found themselves within the grip of the federal law because of their unauthorized seizure of supplies intended by the national authorities for other places and purposes. Finally, one cannot too severely condemn the occasional acts of a few municipalities whose authorities in their misguided zeal have sought to serve their

country by taking the law into their own hands. The brand of patriotism which confiscates land or the use of land for war gardens without paying for it, compels a man to buy a liberty bond under threat of bodily harm or imprisonment, or in any other way violates the constitutional rights of the law-abiding citizen, even though his patriotic ardor be somewhat cooler than it ought to be, that brand of patriotism closely resembles the brand of justice dealt out by the mob in accordance with the uncivilized code of lynch-law. No municipality can afford so seriously to injure the great cause which it is trying to serve.

Before embarking upon any form of patriotic endeavor, then, it is incumbent upon every city to judge carefully, in the light of such advice as it can secure from county, state, or nation, in which of these three classes just mentioned that enterprise will fall. Thus and thus only may it perform effectively its own peculiar duties, determine the things it may most efficiently do in cooperation with other agencies, and learn what it had best let alone. And all this to the end that its service may count for the very most in the winning of this great war.

It seems to me that this is not a problem in which this organization can afford to take merely a casual or purely academic interest. It is true that the Illinois Municipal League is not a body which can directly engage in war work with any real effectiveness. But it does not follow that there is nothing of value which it can do. I submit to you that there are two distinct things which this organization might consider undertaking.

It might, in the first place, provide for or sponsor the making of a careful investigation of just what has been done by the towns and cities of Illinois in the way of effective war service, and what the possibilities in that direction are which have not been adequately developed. A report embodying these facts, coupled perhaps with such recommendations as a committee of the league might care to make would be of inestimable value to the municipalities of this state by letting them know what their neighbors are doing and how they are doing it.

In the second place, it seems to me that such an organiza-

tion as this might well have a committee on municipal war work which could put itself in touch with the state council of defense, suggesting its willingness to coordinate with that body in any effective way in which its services could be utilized. The chairman of the state council of defense states that no data has been collected regarding the war work of Illinois cities nor have any plans been matured for the coordination of those activities. He declares that the state council would gladly welcome any suggestions which the Illinois Municipal League might make relating to those problems with the assurance that they would be of value and would receive careful consideration.

It seems to me that in these two ways the Illinois Municipal League might render definite service to the cities of this state and to the state itself. It would at least make clear its willingness to further the great cause of the war by helping, however slightly, to mobilize the resources of our municipalities for the effective service to the nation.

## MUNICIPAL HOME RULE IN MISSOURI

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Special significance attaches to the subject of municipal home rule in Missouri because the home rule charter system had its origin in this state. The present Missouri constitution, which was adopted in 1875, contains provisions which authorize St. Louis and all cities of over 100,000 population to frame their own charters. It will be of interest to consider the condition which led to the adoption of these constitutional provisions.

Missouri's experience in the matter of legislative charter enactments has been similar to that of most American states. Cities were originally incorporated under special acts of the legislature and amendments and revisions of such charters were made in the same manner. In the early period, at least in the majority of cases, these acts were drafted in the local communities or embodied their ideas and sentiments. Later, however, the legislature did not hesitate to act on its own initiative and to use its power to promote private or partisan interests. Moreover, it did not confine its action to the granting or defining of broad, general powers or the creating of fundamental organs of city government, but dealt in many cases with special matters which would ordinarily be provided for by city ordinance.

A large part of the time of each session of the legislature was devoted to these special acts affecting cities and the total mass of such enactments was considerable. St. Louis, as the largest city, was naturally the recipient of much of this legislative regulation of the affairs of municipalities. It was first incorporated by the second general assembly in 1822.<sup>1</sup> From that time until the adoption of the constitution of 1875 every general assembly except the fourth, fifth, and ninth enacted some legislation pertaining to the city of St. Louis. Not all of the acts were formal changes in the charter, but without exception they affected the powers or the form of government of the city and many of them introduced changes of importance. The last four general

<sup>1</sup>Laws of Missouri, 1822-23, p. 38.

assemblies preceding the adoption of the constitution of 1875 enacted fifty-one laws of this character, or an average of more than twelve acts for each legislature.<sup>2</sup> In addition it should be noted that many special acts relating to the county of St. Louis were due entirely to the fact that the latter included the metropolis of the state.

The excessive use of the power of special legislation had not been limited to cities but had appeared in the case of counties and private persons. It is natural that the resultant evils should have caused dissatisfaction and demands for restriction upon the legislature. In the constitution of 1865 provisions were inserted prohibiting special legislation in twelve classes of cases, including the establishment, alteration, or vacation of city streets and the grant of the right to construct railroad tracks in the streets of any city.<sup>3</sup> In addition, the legislature was forbidden to pass any special law for any case for which provision could be made by general law; but as the question of whether a general law was applicable in any case was left to legislative and not to judicial determination this provision had little practical significance.<sup>4</sup> The legislature did not pass any general law for the incorporation of cities and continued to enact special acts with increasing frequency.

In the constitutional convention of 1875 there were insistent demands for limitation upon legislative power, including specifically the matter of special legislation. The number of classes of cases in which the legislature is forbidden to enact special laws was increased to thirty-two, and included, among others of importance to cities, the following: "regulating the affairs of counties, cities, townships, wards or school districts" and "incorporating cities, towns or villages or changing their charters."<sup>5</sup> It was also provided that no special law shall be enacted in any case where a general law is applicable, and the question of applicability

\* <sup>2</sup>Laws of Missouri, 1871, 1871-72, 1873, 1874, 1875.

<sup>3</sup>Constitution of Missouri, 1865, Art. IV, Sec. 27.

<sup>4</sup>*Ibid.*

<sup>5</sup>Constitution of Missouri, 1875, Art. IV, Sec. 53.

was declared to be a judicial question.<sup>6</sup> The constitution also requires the legislature to provide not more than four classes of cities and to enact a general law for the organization of each class.<sup>7</sup>

While it was anticipated that the above provisions would prevent special legislation in the case of most of the cities of the state it was recognized that this would not be true of St. Louis. The legislature would be able to place St. Louis in one of the classes by itself, and thus under the form of general legislation for that class could continue the practice of special legislation for that city. Of the sixty-eight members of the convention, twelve were from the county of St. Louis and the majority of these were able and distinguished lawyers from the city of St. Louis.<sup>8</sup> They were determined to secure provisions in the organic law which would lead to a correction of the abuses which had arisen in the county and city governments.<sup>9</sup>

On May 12, 1875, one week after its opening, the convention adopted a resolution, offered by a delegate from St. Louis, providing for a standing committee on St. Louis affairs, to be composed of the twelve delegates from St. Louis County, to take into consideration all matters introduced in the convention which had specific reference to the organization and government of the county and city of St. Louis.<sup>10</sup> Two days later the first official suggestion of a home rule charter came from another St. Louis delegate, who offered a resolution instructing this committee to investigate the expediency of permitting cities of 100,000 to be considered counties without regard to area and to be regulated by fundamental constitutional charters not liable to yearly change by the legislature, but to be as permanent as the fundamental law of the state unless changes are proposed by the concurrent action of two-thirds of the city council and mayor and are endorsed by

<sup>6</sup>*Ibid.*

<sup>7</sup>Constitution of Missouri, 1875, Art. IX, Sec. 7.

<sup>8</sup>See list of members at end of Schedule of the Constitution of Missouri, 1875.

<sup>9</sup>Scharf's *History of Saint Louis*, Vol. I, note to p. 714.

<sup>10</sup>Journal Constitutional Convention of Missouri, 1875, pp. 79, 80. Original manuscript copy.

two-thirds of the people voting at a special election. This resolution was referred to the committee on St. Louis affairs.<sup>11</sup>

On May 19 a delegate from a rural county offered a comprehensive resolution dealing with the government of counties and cities. It provided that cities of less than 50,000 should be incorporated under general laws and that thereafter their charters should not be changed without the consent of the majority of voters of the city. Cities with more than 50,000 inhabitants were to frame their own charters in the same way as the constitution of the state and in strict accordance with the same, providing for a mayor and a council of two chambers. These home rule charters were to be amended in the same way as the constitution and in no other way.<sup>12</sup> This resolution was probably prompted by a desire to provide home rule for Kansas City which in 1875 had more than 40,000 inhabitants and was growing rapidly.

In 1874 a mass meeting in Kansas City appointed a committee of thirteen citizens to draft a new charter which was submitted to the general assembly and enacted into law on March 24, 1875, only six weeks before the assembling of the constitutional convention.<sup>13</sup> This plan for securing a city charter was not uncommon, but its use at this time may have suggested the idea of providing for the home rule charter by constitutional provision.

The above resolution was referred to the committee on executive and ministerial officers of county and municipal governments, and nothing more was heard of this matter in the convention for nearly two months, when, on July 13, this committee submitted its report.<sup>14</sup> The author of the resolution was a member of the committee and, as the report did not include his recommendation, he submitted a minority report embodying his original resolution and in addition a provision that in all counties containing a city with more than 50,000 residents the city and county governments therein may be consolidated.<sup>15</sup> The report did not

<sup>11</sup>*Ibid*, p. 103.

<sup>12</sup>*Ibid*, pp. 119, 120.

<sup>13</sup>Laws of Missouri, 1875, p. 196.

<sup>14</sup>Journal Constitutional Convention of Missouri, 1875, pp. 475-477.  
Original manuscript copy.

<sup>15</sup>*Ibid*, pp. 477-480.

come up for consideration until July 20. At that time the above provisions of the minority report, with a new section, offered by a delegate from a rural county adjacent to St. Louis, providing for home rule charters for all cities over 5,000 which "shall not be inconsistent with this Constitution or any laws of this State," were referred to the St. Louis delegation.<sup>16</sup>

The provisions of this minority report were considered by the St. Louis delegation in connection with the resolutions regarding cities of 100,000 which had been referred to that committee on May 14. On July 29 this committee submitted its report which restricted the home rule charter provisions to St. Louis and provided means whereby the county and city governments could be consolidated in that city.<sup>17</sup>

It is evident that there was considerable fear on the part of country delegates that the home rule charter plan was a scheme for making St. Louis independent of the rest of the state. The section adopted on July 20 which provided that home rule charters "shall not be inconsistent with this Constitution or any statute laws of this State" is evidence of this attitude. Probably as a result of such action the provisions recommended by the St. Louis delegation included the requirement that the charter should be "in harmony with the constitution and laws of Missouri." This was not considered sufficiently definite and comprehensive. When the report came up for consideration on the following day, after the adoption of a number of minor amendments, a delegate from a rural county offered the following: "Provided that this Section shall not be so construed, as to prohibit the General Assembly from amending, altering or repealing said charter so adopted, whenever it may be necessary for the public interests." The following substitute to this amendment was finally adopted by a vote of 51 to 4: "Notwithstanding the provision of this Article the General Assembly shall have the same power over the city

<sup>16</sup>*Ibid.*, pp. 543-545.

<sup>17</sup>Journal Supplement Constitutional Convention of Missouri, 1875, July 29, pp. 8-10. Original manuscript copy.



and county of St. Louis, that it has over other cities and counties in this State.”<sup>18</sup>

While no further effort appears to have been made to extend the home rule charter provision to small cities, a new section was offered at this time containing such provisions for any city over 200,000. This was amended by substituting “100,000” for “200,000” and the amended section was then adopted without division.<sup>19</sup> While at this time there was no city except St. Louis to which this section could apply, it was anticipated that Kansas City would soon have the requisite population. There was no further contest in the convention over the home rule provisions, and the sections became a part of the constitution, which was adopted as a whole on August 2, ratified by the voters on October 30, and put into effect on November 30, 1875.

As originally adopted, the sections concerning St. Louis provided that upon the request of the mayor, the city council and the county court should meet in joint session and order an election by the voters of the city and county of a board of thirteen freeholders for the purpose of drafting a scheme for the enlargement of the city, the reorganization of the county and the adjustment of the relations between the city and the residue of the county, and a charter for the government of the city. The scheme as drafted by this board was to be submitted to the voters of the whole county and the charter to the voters of the enlarged city and if ratified were to become the organic law of county and city and at the end of sixty days were to supersede the existing charter of St. Louis and all special laws relating to St. Louis County which were inconsistent with such scheme. It was required that the charter should make provision for a chief executive and two houses of legislation, one to be elected by general ticket, and that it should “always be in harmony with and subject to the Constitution and laws of Missouri,” except that provision could be made for graduating the rate of taxation for city purposes in portions added to the city by the enlargement of its boundaries. The charter could be amended at intervals of not less than two

<sup>18</sup>*Ibid.*, July 30, pp. 1-3.

<sup>19</sup>*Ibid.*, pp. 8, 9.

years by proposals submitted by the law making authorities of the city and accepted by three-fifths of the voters at the election.<sup>20</sup>

The general provisions for cities of more than 100,000 inhabitants are quite similar to those indicated above for St. Louis, but differ slightly in a few instances.<sup>21</sup> The freeholders are required to have been for at least five years qualified voters of the city. Four-sevenths, instead of a majority, of the voters at the election are necessary to ratify, and the charter becomes effective thirty days after the election, instead of sixty days as under the St. Louis plan. While, as has been indicated, provision was made for the consolidation of city and county governments in cities of over 100,000, this was not made a part of the procedure for adopting the charter, but was left to be regulated by law. The constitution does not indicate how cities of over 100,000 shall decide whether a board of freeholders shall be elected, but the legislature has provided that this shall be determined by the law making authorities of the city.<sup>22</sup> There is no limitation in the submission of amendments to "intervals of not less than two years." Finally, the express statement that "the General Assembly shall have the same power over the city and county of St. Louis that it has over other cities and counties of this State" was not followed in that part of the constitution relating to cities of over 100,000.

Before considering the adoption and amendment of charters under the above provisions it will be desirable at this point to note an amendment of the constitutional provisions relating to St. Louis which was proposed by the legislature in 1901<sup>23</sup> and ratified by the voters in 1902. This amendment changed the rule regarding amendment of the charter by striking out the limitation to "intervals of not less than two years;" by providing that three-fifths of the voters voting on the amendment, instead of at the election, are sufficient; and by making express provision for a general revision of the charter. The first change was intended to facilitate the submission of charter amendments, while

<sup>20</sup>Constitution of Missouri, 1875, Art. IX, Sec. 20-25.

<sup>21</sup>*Ibid*, Art. IX, Sec. 15-17.

<sup>22</sup>Laws of Missouri, 1887, p. 43.

<sup>23</sup>Laws of Missouri, 1901, p. 263.

the second was due to the difficulty which was experienced in securing the requisite majority because many who voted for officials did not cast any vote on the proposed charter amendments. The third part of the amendment of 1902 was intended primarily to remove the doubt which existed regarding the right of the council, in the absence of express authority, to provide for the revision of the charter in a manner similar to its adoption. After the adoption of this amendment the Missouri supreme court held in 1905, in the case of the provisions relating to cities of over 100,000, that the original power to frame the charter carried with it the right to make revisions in the same manner.<sup>24</sup>

The St. Louis people who were instrumental in securing the adoption of this amendment took advantage of the occasion to secure two other important modifications of the original procedure. The provision that the charter board must complete its work within ninety days after its election was omitted from the new section, and the requirement for "two houses of legislation, one of which shall be elected by general ticket," was changed to "at least one house of legislation to be elected by general ticket." As the amendment applied only to St. Louis, these two provisions still obtain for other cities over 100,000. The manner in which Kansas City sought to evade these provisions will be indicated below.<sup>25</sup>

The people of St. Louis took an early opportunity to apply the new constitutional provisions. While they might have elected to proceed under the sections relating to cities of over 100,000 without changing their relation to the county, they naturally chose the sections relating specifically to St. Louis, as the desire to separate themselves from the rural parts of the county was even stronger than the demand for a home rule charter. In 1872, a Taxpayers' League had been formed in the city to correct abuses in the county and city governments. The campaign conducted by this organization was influential in securing the incorporation of the above provisions in the constitution of 1875, in the separa-

<sup>24</sup>*Morrow v. Kansas City*, 186 Mo. 675.

<sup>25</sup>*Post*, pp. 55-57.

tion of the county and city and in the adoption of the new charter.<sup>26</sup>

On December 8, 1875, the mayor of St. Louis issued his proclamation requesting the city council and county court to order an election for a board of freeholders.<sup>27</sup> This election was held on April 4, 1876,<sup>28</sup> and the board commenced its work on April 8.<sup>29</sup> The scheme and charter were adopted by the board on July 3, and submitted to the voters on August 22, 1876.<sup>30</sup> There was much opposition to the scheme of separation in city as well as county, and a well organized campaign was conducted for the purpose of defeating both measures. It appeared on the face of the election returns that the charter was ratified by a narrow majority, 11,858 to 11,300, while the scheme of separation was defeated, receiving only 12,726 for to 14,142 against. Judicial proceedings were instituted and after correction of the returns it was finally held that the scheme had been ratified by a vote of 12,181 to 10,928. The corrected figures for the charter election were 11,309 to 8,088.<sup>31</sup>

In accordance with the constitutional provisions the charter took effect as law on October 22, 1876, sixty days after the election. It was the first home rule charter in the United States and it is some evidence of the value of the system that it continued in effect for nearly forty years. During this period there were many attempts to amend the charter. As early as 1879 the municipal assembly proposed thirty-six amendments, but all were rejected by the voters. Other amendments were proposed, but only five were ratified during the first two decades of the charter's existence. In 1895, an ordinance was enacted creating a commission consisting of the mayor, the presiding officers of the two legislative chambers, and two other city officials to prepare amendments and submit them to the municipal assembly. This commission submitted sixteen amendments aggregating 163 printed

<sup>26</sup>Stevens, *St. Louis*, Vol. I, pp. 108, 109.

<sup>27</sup>*St. Louis Republican*, Dec. 9, 1875, p. 5.

<sup>28</sup>*Ibid*, April 4, 1876, p. 8.

<sup>29</sup>*Ibid*, April 11, 1876, p. 5.

<sup>30</sup>McQuillin, *The Municipal Code of St. Louis*, 1901, p. 309.

<sup>31</sup>*Ibid*, note to p. 309.

pages affecting all parts of the charter. The recommendations were materially modified by the municipal assembly which finally submitted only four amendments, and all of these were rejected.<sup>82</sup>

The chief difficulty in securing popular ratification of charter amendments was due to the constitutional requirement that they must be accepted by at least three-fifths of the voters voting at the election. At general elections many voters did not vote on the proposed charter amendments so that it proved impossible to secure the affirmative majority required. The five amendments referred to above had all been adopted at special elections, but this was an expensive process. As already indicated the constitutional amendment of 1902 removed this difficulty by making three-fifths of the voters voting on the amendment sufficient for ratification.

While this change facilitated the adoption of amendments, it soon came to be recognized by many that a thorough revision rather than amendment of the charter was necessary. It has been shown that the doubt which existed regarding legal authority for such revision had been removed by the express language of the constitutional amendment of 1902. It was manifest, however, that in such revision advantage would be taken of the authority given by such amendment to abandon the bicameral system and hence the house of delegates was unwilling to join with the council in ordering an election for a board of freeholders. The growing demand for revision finally led to the passage of the ordinance in 1909, but the charter drafted by the board of freeholders was rejected on January 31, 1911, by a vote of 65,324 to 24,817.<sup>83</sup> While the proposed charter established the unicameral system and some other desirable improvements, the form in which these were provided was unsatisfactory and the charter retained many antiquated features which prevented simplicity and responsibility in government. There was also much opposition because information regarding the charter was not published and only one month intervened between the submission of the charter and the election.

That the rejection of the proposed charter was not due to

<sup>82</sup>*Ibid.*, pp. 313-315.

<sup>83</sup>*St. Louis Globe Democrat*, February 4, 1911, p. 1.

affection for the old charter or opposition to its modification is evidenced by the prompt renewal of the movement for revision. In 1913, another board of freeholders was chosen. The charter board held public hearings and invited the opinion of experts on municipal government. On February 7, 1914, more than four months before the election, the secretary of the board published an outline of the features which would probably be included in the charter.<sup>34</sup> The charter, which provided for a single board of aldermen, extensive power for the mayor, short ballot, scientific organization of departments, civil service reform, initiative, referendum and recall, and other progressive features, was ratified on June 30, 1914, by a vote of 46,839 to 44,158.<sup>35</sup>

Kansas City is the only municipality which has taken advantage of the home rule charter provisions for cities of over 100,000. The census of 1900 indicated that St. Joseph had slightly more than the requisite population, but the figures were manifestly incorrect and at the next census there was a reduction of practically one-fourth.

It has been previously indicated that in 1875 the general assembly adopted for Kansas City a new charter which had been drafted by a committee chosen by a local mass meeting. While this charter was an improvement over its predecessor, the rapid growth of the city in wealth and population soon made it inadequate to satisfy the local needs. The population of the city, which in 1870 was only 32,260, had increased by 1880 to 55,785 and in 1885 a municipal census showed a population of 105,042.<sup>36</sup> In order that there might be no delay in the adoption of a home rule charter, the legislature was induced to pass an act approved on March 10, 1887, providing in detail for putting the constitutional provisions into operation.<sup>37</sup>

An ordinance was enacted on May 24, 1887, less than three months after the passing of the legislative act, providing for a

<sup>34</sup>*National Municipal Review*, Vol. III, p. 375.

<sup>35</sup>Baldwin, "St. Louis' Successful Fight for a Modern Charter" in *National Municipal Review*, Vol. III, p. 720.

<sup>36</sup>*State ex rel. v. Dolan*, 93 Mo. 467 (1887).

<sup>37</sup>Laws of Missouri, 1887, p. 42.

board of freeholders to be elected on October 4, 1887.<sup>38</sup> The charter drafted by this board was rejected on January 30, 1888, by a vote of 1,996 to 2,613.<sup>39</sup> Its defeat, as in the case of the St. Louis charter of 1911, was due to special causes and not to a desire to retain the old charter. A new election for a board of freeholders was authorized on October 20, 1888, and the charter drafted by this board was ratified by the overwhelming vote of 3,493 to 334.<sup>40</sup>

As was true in the case of St. Louis, amendments were proposed to the charter of Kansas City beginning almost with the date it took effect. Differing from the St. Louis charter, however, the demand for revision arose relatively much earlier, as the charter of 1889 failed to give the city certain powers which were greatly needed for the proper development of its activities. On September 23, 1904, provision was made by ordinance for the election of a board of freeholders. The charter drafted by this board, in addition to providing for the powers which were needed by the city, introduced other significant changes.<sup>41</sup> Some of these, such as the provision for civil service reform, aroused opposition from politicians of both parties, while the failure to incorporate the initiative, referendum and recall alienated supporters of these measures. A proposed change in the method of granting and regulating saloon licenses led to opposition from the saloon element. There were also objections to other specific provisions of the charter and as the board failed to follow the method used in 1889 of submitting the disputed matters as alternative sections, separate from the charter, the cumulative effect was sufficient to defeat the charter at the election on March 7, 1905, by a vote of 9,979 to 11,156.<sup>42</sup>

The election of 1905 probably did not represent the real sentiment of Kansas City, as all of the newspapers and influential

<sup>38</sup>Peter, "Home Rule Charter Movements in Missouri with Special Reference to Kansas City" in *The Annals of the American Academy of Political and Social Science*, Vol. XXVII, p. 158.

<sup>39</sup>*Ibid.*

<sup>40</sup>*Ibid.*, p. 159.

<sup>41</sup>*Ibid.*, pp. 162-166.

<sup>42</sup>*Kansas City Times*, March 9, 1905, p. 1.

organizations of the city endorsed and supported the charter. Its supporters commenced at once the agitation for a new charter revision board and an ordinance for this purpose was approved on September 11, 1905. On account of the expense which a special election would entail, the above ordinance was subsequently repealed.<sup>43</sup> The movement was continued, however, and an ordinance was finally secured for an election of a board of freeholders at the regular city election on April 7, 1908. The charter drafted by this board followed in many of its features the provisions of the defeated charter of 1905. It omitted, however, the changes in regard to saloon licenses and introduced an optional referendum for franchise ordinances. A provision for the recall of elective officers was submitted in the alternative. This charter was ratified on August 4, 1908, by a vote of 14,065 to 5,209.<sup>44</sup> Only about one-third of those who voted on the charter cast a vote on the recall section. It received a vote of 4,195 to 2,727,<sup>45</sup> but was rejected as it failed to receive four-sevenths of the total votes cast at the election, as is required by the constitution.

While the charter of 1908 marked a great improvement over its predecessor, it did not conform in many respects to modern tendencies in municipal organization. Its chief defect, the bicameral system, is not chargeable to the charter revision board, as it is required by the constitution of Missouri, the original provision to this effect, adopted in 1875, not having been modified as in the case of the similar provision applicable to St. Louis. There was an insistent demand for a more simplified system of city government and in the municipal election of 1914 a nonpartisan commission government organization placed an independent ticket in the field which received 18,687 votes, but was defeated by the Democratic ticket with 28,245 votes.<sup>46</sup> In the next city election in 1916, the Republican candidate for mayor, who was committed to a revision of the charter along the lines of commission gov-

<sup>43</sup>Peter, "Home Rule Charter Movements in Missouri with Special Reference to Kansas City" in *The Annals of the American Academy of Political and Social Science*, Vol. XXVII, pp. 166, 167.

<sup>44</sup>*Kansas City Post*, August 7, 1908, p. 1.

<sup>45</sup>*Ibid.*

<sup>46</sup>*National Municipal Review*, Vol. III, p. 608.



ernment, was elected by a majority of more than 8,000 over Mayor Jost, the Democratic candidate for reelection.<sup>47</sup>

It was clear that a large majority of the voters of Kansas City desired a complete revision of the charter so as to provide for a more simplified form of city government. The new mayor believed that the charter revision board needed more than the ninety days permitted by the constitution to make the necessary investigation and to compile the draft of the revised charter. Accordingly, immediately after his election he appointed thirteen members of a charter commission to make the preliminary investigation, with the understanding that later the same men would be nominated as members of the board of freeholders which was to be authorized by ordinance and elected by the voters.

The mayor was committed to the so called "Kansas City plan" which was the commission form of city government modified by the necessity, under the constitutional provisions, of providing for two houses of the city legislature. It was proposed to elect at large a small number of commissioners, each to be in charge of an administrative department. These commissioners were also to have all legislative powers and for this purpose were to be divided as equally as possible between the two legislative chambers.

After the mayor's charter commission commenced its investigation a serious difference of opinion arose among the members, as the majority desired to modify the "Kansas City plan" by providing for a city manager to have charge of all administrative matters. When the election for the board of freeholders was held the original thirteen commissioners were elected, but five of these, who adhered to the mayor's plan, resigned and the remaining members of the board filled the vacancies with men who favored the city manager plan. The charter drafted by the board, which included provision for a city manager, was submitted on March 6, 1917, and defeated by a vote of 16,119 to 16,189, lacking seventy votes of a majority and 2,343 of the number required to ratify.<sup>48</sup> The charter was fought by the mayor and his organiza-

<sup>47</sup>*National Municipal Review*, Vol. V, p. 490.

<sup>48</sup>*Kansas City Post*, March 6, 1917, p. 1; *National Municipal Review*, Vol VI, p. 417.

tion as well as by the saloon element.

The mayor had announced that if the proposed charter was defeated he would immediately appoint another charter revision commission, the members of which would not be obligated to any special plan. He carried out this promise, but as disagreement arose between the mayor and the two houses of the city council the latter selected another group of charter commissioners. The charter commission selected by the mayor has not taken any steps to draft a new charter, but the one chosen by the council has been at work for several weeks and expects to have its draft completed in the near future. It is understood that this draft will provide for a city manager with a council consisting of not exceeding five members in each house elected at large. After the commission has completed its preliminary draft, the council will call an election for a board of freeholders. If the members of the council's charter commission are chosen members of the charter board, the latter will complete the draft of the charter along the lines indicated above.

The anticipations with which the people of St. Louis and Kansas City adopted their home rule charters have not been fully realized. As already indicated the fears of country delegates in the constitutional convention led to the incorporation of requirements that the charter shall be in "harmony" or "consistent with and subject to the Constitution and laws of Missouri" and, in the case of St. Louis, that "the General Assembly shall have the same power over the city and county of St. Louis that it has over other cities and counties of this State."<sup>49</sup>

It is clear that the convention would not have accepted the home rule charter provisions without the inclusion of qualifications of this character. They were introduced and adopted in the closing days of the convention and it is probable that there was no general agreement or understanding regarding their meaning and significance. The situation was further complicated by the constitutional provisions that the charter ratified by the voters shall become "the organic law of the city" and "shall take the

<sup>49</sup>*Ante*, pp. 47-48.

place of and supersede the charter of St. Louis, and all amendments thereof."<sup>50</sup> The constitutional amendment of 1902 provided substantially as above regarding any revised charter of St. Louis, with the addition that it should supersede "all special laws inconsistent therewith."<sup>51</sup> The obscurity of meaning and contradictory provisions of these sections have created serious difficulties for charter boards, general assemblies and courts.

It was accepted from the outset that not all existing laws which might be regarded as parts of the charter were superseded by the new home rule charter. Thus, for example, at the time of the adoption of the first home rule charters by St. Louis and Kansas City the police of those cities were under the control of boards appointed by the governor under state laws. In both cities the charter boards proceeded upon the assumption that such laws would not be superseded by the charter. Later, when the questions came before the courts it was held that the regulation of the police was a matter of state and not of local interest and that no charter provision could supersede a state law on this subject.<sup>52</sup> In accordance with this principle state laws regulating education, elections, public utilities and other matters of state concern are regarded as superseding any charter provisions on these subjects.

An interesting question arises regarding the procedure of the general assembly in legislating for cities with home rule charters. As we have noted above, the constitution contains express provisions prohibiting the general assembly from passing any special law "regulating the affairs" of cities or "incorporating cities, towns or villages or changing their charters." It is also provided that the legislature shall classify cities into not exceeding four classes and that "the power of each class shall be defined by general laws, so that all such municipal corporations of the same

<sup>50</sup>Constitution of Missouri, 1875, Art. IX, Sec. 20.

<sup>51</sup>Laws of Missouri, 1901, pp. 263, 264.

<sup>52</sup>*State ex rel. v. Police Commissioners of Kansas City*, 184 Mo. 109 (1902). See also McBain, *The Law and Practice of Municipal Home Rule*, pp. 133-138. This excellent work discusses in detail the scope of the city's powers in framing a home rule charter and the conflict between state laws and charter provisions in Missouri and in other states.

class shall possess the same powers and be subject to the same restrictions."<sup>53</sup>

The legislature evidently assumed that the four classes of cities which it was permitted to organize were in addition to any city which might adopt a home rule charter. Thus, while originally cities of the first class included all cities with more than 100,000 inhabitants, the legislature enacted laws applying to cities of "more than 100,000 and less than 300,000 inhabitants," to cities with "a population of 300,000 inhabitants or over," to a city with "more than 150,000 inhabitants and less than 500,000 inhabitants," etc.<sup>54</sup> When the question involved in these cases first came before the supreme court it was held that such legislation created classes in addition to the four authorized by the constitution and was hence invalid.<sup>55</sup> This decision was followed in a number of cases, but was subsequently overruled, the court taking the position that by virtue of the home rule charter provisions of the constitution St. Louis and Kansas City each constitute a class distinct from the four classes established by the legislature.<sup>56</sup>

It results from this opinion that the limitation upon special legislation is of little if any value to home rule charter cities, as any law which the legislature is authorized to enact for such cities may be made as special in character as the legislature desires. Moreover, as it is expressly provided that home rule charters shall be "consistent" or "in harmony with and subject to the..... laws of the State," it would seem logical that the legislature might enact laws repealing any or all provisions of the home rule charter. The courts, however, have not permitted this point to be carried to its logical conclusion. As indicated above, the courts have held that any act of the legislature regulating a matter of general state concern will supersede any home rule charter provision with which it may be in conflict.

In general the converse of this principle has also been followed, the courts holding that the home rule charters are not

<sup>53</sup>*Ante*, pp. 44-45.

<sup>54</sup>Revised Statutes Missouri, 1909, Chapter 84, Articles XV-XXI.

<sup>55</sup>*Murname v. City of St. Louis*, 123 Mo. 479 (1894).

<sup>56</sup>*State ex rel. v. Mason*, 155 Mo. 486 (1900).

required to be "consistent" or "in harmony" with laws dealing with matters of local rather than general state interests. The courts have had much difficulty in finding a rational basis for reconciling local independence in certain matters with the subjection to state legislation which was sought to be secured in the constitutional convention. As a result the opinions in some cases are confusing and contradictory and the law on the subject still awaits final judicial interpretation.<sup>57</sup>

<sup>57</sup>McBain, *The Law and Practice of Municipal Home Rule*, p. 171.

## MUNICIPAL HOME RULE IN MICHIGAN

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A special interest attaches to the decision of the people of Michigan in 1908 to adopt municipal home rule. The cities of this state were already in enjoyment of exceptional protection from legislative interference. The doctrine of the unwritten constitution, first enunciated in Michigan by Judge Cooley and followed in but a few other states, gave to Michigan cities a peculiar position. The exact extent to which this doctrine has made cities independent of the legislature is controverted. It is not too much to say, at all events, that the cities of Michigan have enjoyed in consequence a more sheltered situation than have the cities of most other states.

Michigan cities were thus early safeguarded from the wilder excesses of legislative domination; yet their treatment, favorable as it was in comparison with other American cities, was not deemed satisfactory. The people of the state considered that conditions demanded a fundamental change in the relations between the cities and the legislature of the state.

Some of the conditions at least which were responsible for the formation of public opinion may be briefly stated. Among these are to be noted the web of legislative enactments and amendments in which city charters became enmeshed; the narrowness of the activities in which municipalities were permitted to engage; the awkward, inefficient, forms of governmental organization and the unbusinesslike methods forced upon them by law; the direct intervention of the legislature in questions of salaries, tenures and duties of local officials; the imposition by law of unnecessary financial burdens for purely local purposes; and above all else, the intolerable manner in which changes in the laws were effected.

The confusion resulting from frequent changes in the charters by means of local acts particularly affected, as indeed did most of the other legislative atrocities, the larger cities of the state. Hundreds of pages of laws making additions and repeals, and repeals of additions, and repeals of repeals, were appended

to some of the original charters. It became excessively difficult to determine what provisions of these manifold acts of the legislature were in effect. The supreme court of the state referred as early as 1880 to the charter of Detroit "as a confused and blind collection of enactments and amendments." The fundamental law of Detroit had not then approached the height of its complexity. The charter of each city became merely one of a series of laws affecting that city. Each session of the legislature added a volume of special acts altering the legal powers of various cities. Only at rare intervals did a revision properly incorporate into a charter the changes effected through special and separate acts of the legislature.

The judicial doctrine that a city must be able to show that any power which it might attempt to exercise had been granted by the legislature, together with the legislative practice of granting to cities only specific and enumerated powers, combined to hamper the free development of municipal activities. Even when the legislature was disposed to make the additional grant of power desired, the necessity for its action imposed delay. By and large, the Michigan legislature was not illiberal. Action could generally be secured on reasonable requests. Much more onerous was the jealous strictness with which the courts construed delegations of power, often withholding from cities the full measure of what they had sought and believed they had obtained from the legislature.

The cities of Michigan were afflicted by their charter with an assortment of governmental antiquities. Incongruous odds and ends of governmental machinery, salvaged from the wrecks of every experiment tried in the administration of American cities, were thrown together. Organization was framed neither upon any logical principle nor upon the sure teaching of experience. The general type of government was what is often called "federal." A mayor and council were its most prominent organs. It was based on the principle of the separation of powers, so far as it was based on any principle at all. To avoid any semblance of consistency, Michigan charters generally made the mayor the presiding officer of the council as he had been before the doctrine

of separation was accepted. Some of the administrative officials were appointed and some were elected, and it appeared to make little difference which was one and which the other. Some functions were in the hands of individuals and some of boards—boards of all kinds, partisan, bipartisan and nonpartisan. And these boards again, survivals of a mid-century experiment, were allotted indifferently to certain departments in some cities and to others in other cities without any real reason for the variation.

City government under these legislative charters was as loose-jointed as possible. All sorts of officials and boards were given, by charter, authority and independent tenure of office. They were under no common superior. There was no positive control, no discipline, scarcely any leadership. Hence their voluntary and continuous cooperation became an absolute prerequisite to the accomplishment of anything. Under such an arrangement they could do little ill, but it was impossible also to do much good. And this it was entirely impossible to accomplish, as a normal thing, promptly, efficiently, and economically.

Not content to create an organization whose very lack of coordination made it difficult to operate, the legislature laid down regulations for its operation of such a nature as to impede further its success. Such regulation provided, for instance, cumbersome procedure for the authorization of payments from the city treasury, or forced an improvident or impolitic extension of public improvement.

Intervention by the legislature was especially frequent and annoying in questions of salaries, tenures and duties of local officials. A large list of officials and boards was set up for each city by the legislature, their employment made obligatory, and their tenure fixed. Salaries likewise were stipulated by law and must be paid by the cities. The cities could not get rid of unnecessary officials without action by the legislature, though they were allowed to add other officials. In the matter of salaries, however, the cities were powerless in many instances either to raise or lower them. The development of new activities, such as that of public health, was in consequence distressingly hindered. Even the power of selecting local officials was tampered with. In some



instances the organization of specific city authorities was such as to remove them from all control by the local community and to 'relieve them from all responsibility to the community.

The amounts to be raised by taxation for local purposes, and the amounts to be appropriated for expenses, were in large measure determined by state authority. The legislature had even reached the point of requiring that a particular street in a certain city should be paved. Whether justly or no, irritation was felt at dictation by the legislature as to how much money a city should raise and how it should spend it for objects which were of purely local concern.

More objectionable to the cities than any of this obstruction of freedom and facility in developing their organization and activities in true accord with their progressive needs, was the uncertainty as to when a city might receive a blow from the legislature through some unexpected, unacceptable and arbitrary enactment. A large number of local bills passed each legislature. Some were desirable and properly designed to cure defects or to provide necessary changes. Others were passed simply for the purpose of erecting more jobs or higher salaries, with consequent increase of the burden upon the taxpayers. Seldom was legislative intervention in the interest of economy. Often the motive was purely political, as where the legislature of 1891 changed the ward boundaries in one city, only to restore them a few months later, the temporary alteration sufficing to effect the removal of the Republican aldermen.

The immediate inference often deduced from these occurrences that the legislature was moved by malevolence in its treatment of the cities was ill-founded. The legislature as a whole was not evilly disposed. The misfortunes of the cities were found to be due almost wholly to their own local representatives in the legislature. These members practically held in their own hands the fate of the cities in their respective districts. To them the great power of the legislature was in this particular almost abdicated.

The influence of the local representative of a city in the legislature arose from the ordinary procedure on local bills. A member would introduce a bill concerning some city in his dis-

trict. He would say it was a good bill and one which for some alleged reason it was important to pass immediately. He therefore moved to suspend the rules and to put it upon the second and third readings at once. The legislature could know but little of the circumstances. With the great number of bills before it each could not be discussed. The legislature was perhaps and usually perfectly agreeable to meeting the wishes of the city. And unless someone was on hand to contest his statement, the legislature naturally acted on the assertion of the local member that the city desired the bill enacted. A bill would sometimes be passed by one branch, be brought before the other and passed there without any examination as a matter of courtesy, and then be signed by the governor, all within one day.

Measures constantly became law before the people of the city had any intimation that any legislation was even contemplated. Anyone who could get the backing of a local member in the legislature might reasonably hope to put over even an inherently vicious measure. It does not speak badly for the individuals in the legislature that they did not make worse use of their opportunities. Only the most incessant watchfulness could give the city a chance to combat their influence. Through a faulty method of handling local bills, the cities thus fell a prey to political influence in the legislature.

Most of the evils of legislative regulation of the cities, then, were due merely to defective legislative procedure. Yet it seemed impossible to find a practical corrective of this defect. Public opinion, influenced by the strong state league of municipalities, demanded on the other hand a radical change. The solution adopted was municipal home rule.

Home rule in Michigan as established by the revised constitution of 1908 is a matter of spirit rather than of legal form. It is true that radical changes in form have been inaugurated. The city charter is no longer an act of the state legislature. It is now a local constitution framed and adopted by the people of the city. The grant of powers by the state to the city is no longer in the form of an enumerated list of specific powers. It is a blanket

grant of all power pertinent to local government subject only to certain exceptions.

The formal rights of the city are thus radically altered. Yet in substance these rights are dependent upon the spirit in which the legislature carries out the new constitutional provisions. As a mere question of legal power, the legislature has lost only the capacity of passing special acts relating to cities. It may still interfere to the full extent of its former authority so long as it is able to encompass its object by means of a general act. This is a substantial limitation. Yet it is far from guaranteeing to the cities that exclusive sphere of local activity inaccessible to legislative inroads, that is usually associated with the idea of municipal home rule.

Subject only to the older limitations laid down by Judge Cooley under his doctrine of an unwritten constitutional right of cities to certain powers of local self-government, it would seem that the legislature of Michigan could lay down in any detail it saw fit by a general act the organization and powers of all cities of the state. It could add in the same way prohibitions of all kinds. The legislature has therefore the power to destroy the substance of home rule, leaving to the cities only its empty form. It has exercised its discretion as it has seen fit through both positive and negative injunction in the Home Rule Act. It is fortunate that instead of abusing its opportunities under the constitutional provisions to dominate the cities, the legislature of Michigan has treated the cities fairly in the spirit intended by the framers of the constitution.

The cities of Michigan, then, are in present enjoyment of substantially increased powers of self-government. The constitution of 1908 required the legislature to "provide by a general law for the incorporation of cities and by a general law for the incorporation of villages." As amended in 1913, the constitution further provided that "under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter and to amend an existing charter of the city or village heretofore granted or passed by the legislature for the government of the city or village and, through its regular-

ly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of the state."

The legislature promptly executed the mandate of the constitution by passing the Home Rule Act. That act provides for the incorporation of territory as a city or village by the vote of its inhabitants under certain specified conditions, as density of population. It allows any existing city or village to expand in the same manner. Each is permitted to frame its own charter and to frame amendments. Each may then adopt these fundamental laws by vote of the local electors, the only obligation being to submit them to the governor, without, however, the necessity of receiving his approval. Each city may set up such authorities as it sees fit and clothe them with such powers as it chooses, "subject to the constitution and general laws of the state." The only limitations laid on the cities in the constitution relate to suffrage, finances and franchises. The limitations contained in the Home Rule Act are more numerous. They require every city charter to provide certain officers and to meet certain general duties, as for example the collection of taxes, or holding of elections, or preservation of the public peace, health and safety. The prohibitions of the act, beyond setting up certain rules for elections, relate exclusively to measures designed to safeguard the financial integrity of the city.

Quite as fully, then, as if the legislature were bound by the most rigid constitutional limitations, the essential opportunities of home rule are allowed to Michigan cities.

Owing to judicial construction which required ultimately a constitutional amendment for its correction, the position of the cities under the new constitution was in such doubt until 1913 that few efforts were made to exercise the new powers. Most of the action under the home rule provisions has occurred, therefore, during the past five years. The way in which cities have availed themselves of these privileges throws some light on the wisdom of their adoption.

A complete record of measures passed by the hundred and

eight cities of Michigan under home rule powers is not available, but they number over one hundred and fifty. Of these, about thirty were acted on before 1913. In the subsequent years there has been a very uniform activity resulting in close to twenty-five measures successfully passed each year. Something like sixty other proposals actually voted on have been rejected. These figures take no note of villages.

Five communities have incorporated under the general provisions of the Home Rule Act. There have been eleven extensions of boundaries.

The five newly incorporated cities have, of course, adopted their own charters. In addition, twenty-six previously incorporated cities have completely revised their charters.

About one hundred and twenty-five amendments to charters have been adopted by the cities covering a variety of matters. Of these about one hundred have been amendments to old legislative charters, and the remaining twenty-five to new.

The changes through both revision and amendment make manifest certain notable tendencies. Of the new charters, only two are of the old mayor and council type. Nineteen cities have adopted the commission type. Ten others have provided for a manager. Among the latter is Grand Rapids, the second city in the state, and the largest city in the country yet adopting the manager form. Detroit, a city of over half a million, has elected a commission to revise its charter. Other indications of a movement toward simplification and centralization of organization are evident. This is shown by provisions increasing the supervisory powers of the mayor and, in the case of Detroit, giving him effective control through the power of dismissal of all his appointees at will, by lengthening the terms of elective officers; by reduction of the Detroit school board and election of its members at large; and by abolishing unnecessary officers and combining their work, as for actual instances the city clerk, the board of estimates and the board of public works have been abolished in particular cities. A desire for more businesslike methods is shown by providing improved accounting.

Nonpartisan primaries have been adopted in a number of cities. In one instance a majority of the primary vote has been declared an election. Preferential ballots have been provided in two instances. City elections have been separated from national and state elections.

A very remarkable expansion of city activities has taken place. Provision has been made for city hospitals, for city planning, and for recreation. Municipal control has been extended to billboards. One city has altered its charter to permit it to make its own public improvements. Municipal ownership has found much favor, being extended to all utilities, and to functions of an even more private character.

Some inclination has been shown to disregard the injunctions of the Home Rule Act as to incorporation of certain provisions by cities in their charters. It is perhaps fortunate that at a moment of such broad relaxation by the legislature of its domination of the cities, the executive of the state is steadily increasing state administrative control over local officials. Public opinion in Michigan nine years after adoption of the home rule principle appears convinced that its advantages have been fully demonstrated.

## MUNICIPAL HOME RULE IN TEXAS

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### CONSTITUTIONAL RESTRICTION ON POWER OF LEGISLATURE OVER CITIES

The first constitutional restrictions imposed upon the legislature of Texas with reference to cities were contained in an amendment to the constitution of 1868, adopted in 1873. This amendment provided that the legislature should not pass "local or special laws regulating county or town affairs, incorporating cities or towns, or changing or amending the charter of any city or village." Prior to that time it had been customary to incorporate municipalities by special law.

The present constitution adopted in 1876 reincorporated these provisions in the section dealing with the limitations on the power of the legislature to pass local or special laws, but in a special article on municipal corporations the constitution further provided that while cities and towns of less than ten thousand inhabitants might be chartered alone by general law, cities having more than that number of inhabitants might have their charters granted or amended by special act of the legislature. The same article of the constitution also contained other provisions relating to cities and towns, but these were in the nature of restrictions on their taxing and borrowing power and on their power to subscribe to private corporations, rather than limitations on the legislature in dealing with cities, and they need not therefore concern us here. By an amendment adopted in 1909 the power of the legislature to grant or amend city charters by special law was extended to include cities of five thousand inhabitants or over, and that was the situation in Texas until the adoption of the so-called "home rule amendment" in 1912.

#### THE HOME RULE AMENDMENT

In November 1912 there was adopted the amendment to the constitution known as the home rule amendment which reads as

follows: "Cities having more than five thousand inhabitants may by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters, subject to such limitations as may be prescribed by the legislature, and providing that no charter or any ordinance passed under said charter shall contain any provision inconsistent with the constitution of the state, or of the general laws enacted by the legislature of this state; said cities may levy, assess, and collect such taxes as may be authorized by law or by their charters; but no tax for any purpose shall ever be lawful for any one year, which shall exceed two and one-half per cent of the taxable property of such city, and no debt shall ever be created by any city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon; and provided, further, that no city charter shall be altered, amended or repealed oftener than every two years."

The Texas home rule amendment is among the briefest of the twelve constitutional amendments on the same subject so far adopted in the United States. Though brevity may be the soul of wit, and has undoubted merits which are too often ignored, in legislation also, even this virtue may be overdone and result in obscurity and uncertainty rather than in clarity and definiteness. Such a case is presented it is believed by the Texas constitutional provision. Brief as the amendment is, there is scarcely a line of it that does not contain the germ of a constitutional controversy. Perhaps a brief mention of some of these uncertainties will prove to be the simplest way of setting forth the situation as it exists in Texas to-day, and at the same time be of value in pointing out how such defects could be avoided in the drafting of other home rule constitutional provisions.

It is to be noted at the outset that there have so far arisen no cases in the Texas courts involving the interpretation either of the home rule amendment or of the legislation enacted in connection therewith. Consequently the questions raised herein are incapable of an authoritative determination. But some light may be thrown on the subject by an examination on the one hand of legis-



lative interpretation, and on the other hand of the practice that has been followed, since the legislature by general acts of validation has given legality to all local charters so far adopted or amended under this provision of the constitution, to the extent that the legislature is capable of so doing.

In the first place it may be noted that the amendment does not indicate how the population of the city is to be determined for the purposes of establishing the right of a city to frame its own charter. As a matter of fact, a number of cities have gone ahead with the adoption or amendment of charters which did not have the required number of inhabitants according to the last federal census, or without determining their populations in any formal way. Neither has the legislature specified any particular manner of determining the populations of home rule cities, but by validating at the last session all charters adopted under the home rule amendment has apparently expressed its intention of leaving that question to be determined by the cities themselves.

A second uncertainty is found in the next line of the amendment stipulating "a majority vote of the qualified voters of said city" as requisite for adopting or amending charters. Does this mean a majority of all the qualified voters of said city, or a majority of the qualified voters actually voting at the election in which the charter is voted on, or a majority of the qualified voters voting on that question in case the charter is submitted at a general election? Obviously these three alternatives present very different situations that would have an important bearing on the ease or difficulty of charter action under the amendment.

Closely connected with this question of the number of votes required is the question raised by the next clause of the amendment, "at an election held for that purpose." Does this mean that an election must be held especially for that purpose, or may charters and charter amendments be submitted to the voters at a general municipal election?

With regard to these two questions, the enabling act passed in 1913<sup>1</sup> shows the legislative interpretation placed on the two

<sup>1</sup>*General Laws of the State of Texas, 1913, ch. 147.*

clauses noted. A special election is required by that law and a majority of the qualified voters voting at said election is declared to be sufficient for adoption. This is obviously not in strict compliance with the language of the amendment requiring a majority vote of the qualified voters, and it may be that the courts would not accept this legislative interpretation of the constitutional provision. But the fact that a strict insistence on the language of the constitutional provision would virtually defeat the purposes of the amendment itself by making it extremely difficult to get the necessary vote in any case, might, it seems, lead the courts to adopt the same view as that held by the legislature. To this consideration must be added the further one that a large number of charters and charter amendments already have been adopted and action taken under them without complying with the strict language of the constitution and hence a narrow interpretation would lead to much confusion and hardship.

The next two clauses bring us at once to the very heart of the question, how much actual home rule is guaranteed to the cities of Texas by the constitutional amendment under consideration? The amendment goes on to say that the power granted to cities is "subject to such limitations as may be prescribed by the Legislature, and, providing that no charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State." By the "limitations" which may be prescribed by the legislature evidently are meant the provisions to be enacted covering the procedure of charter framing or amending, which were thus contemplated by the constitutional amendment. Several cities, however, had gone ahead in the charter making process without waiting for legislative action, and these proceedings were validated by the enabling act.

More fundamental is the second of these two qualifying clauses. That a city charter or charter amendment, whether framed by local authority or by the legislature could not contain any provisions inconsistent with the constitution of the state would seem to be so obvious as to make that particular limitation wholly superfluous. But there was of course the possibility that the constitutional grant of power to adopt or amend charters might

be construed by the courts to supersede all other provision of the constitution applicable to cities unless such a qualifying clause were added, in which case cities might assume the status of virtually autonomous and unlimited governmental units within the state. Such a situation was not intended by the framers of the home rule amendment and to judge from the attitude of courts on that question in other home rule states would not have been sanctioned by the courts even without a qualifying clause.

More important, however, than the obvious superiority of the constitution over charter provisions is the controlling force given to legislative enactments over city home rule charter provisions by the phrase, "or of the general laws enacted by the Legislature." Here, apparently, the constitutional amendment virtually takes away with one hand what it has given with the other. If this phrase means, as it seems to mean, that both past and future general laws of the legislature shall modify city home rule charter provisions, then the only protection actually accorded to the home rule cities against legislative interference is to be found in the use of the word "general" in connection with "laws." If this word "general" could be construed to mean laws relating to general affairs as distinguished from local or municipal affairs, some measure of local autonomy would still be insured to the home rule cities, depending for its extent on the liberality shown by the courts in considering what undertakings are of local concern. But it is quite possible that this interpretation of the word "general" would not be the one adopted, since in other parts of the constitution, particularly the section limiting the power of the legislature to pass local or special laws, the word "general" is clearly used to mean laws of general application throughout the state and not merely relating to a particular locality, person, or case. If, then, the word as used in the home rule amendment means laws of general application, the only right guaranteed to cities under the home rule amendment is that their charter provisions shall be safe against repeal or amendment by a special law relating to a particular city. Even this would be of considerable value, since any proposed legislative limitations or restrictions would encounter the united opposition of all the home rule

cities, were it not for the possibility of classification which could result in limiting the application of a given law to a small number of cities, or perhaps even to a single city without encountering judicial opposition.

So far, then, the authority actually conferred by the amendment upon cities free from legislative interference or limitation appears to be next to nothing and the measure of local freedom enjoyed by cities is dependent, since the adoption of the home rule amendment, as before, on legislative good will and generosity. Under these circumstances what can be said of the meaning of the next clause in the amendment, "said cities may levy, assess and collect such taxes as may be authorized by law or by their charters?" That home rule cities should be given power to levy, assess and collect such taxes as may be authorized by law, is quite in accord with the general spirit of the amendment as gathered from the provisions already discussed. But what is meant by the phrase "or by their charters?" On the face of it this seems to give these cities the fundamental power of taxation free from legislative control, and in that event it is clearly inconsistent with the general requirement that the charters of the home rule cities shall be subject to the general laws of the state. Even in that case, however, the power of taxation would be of little value if the purposes from which the taxes may be raised and expended are subject to legislative control. Only the method of raising revenue would be left to the cities and that matter is covered to a large extent by other general provisions of the constitution relating to taxation. In that case the question would arise whether these general constitutional provisions with regard to taxation have been superseded as regards home rule cities by the amendment.

Because of the uselessness of the power of taxation unless the purposes can also be determined by the taxing authority, it seems natural to assume that the framers of the home rule amendment were here guilty of a very common error of language in using "or" when "and" was intended. If the clause under consideration were read "said cities may levy, assess and collect

such taxes as may be authorized by law and by their charters," the meaning is not only perfectly clear and unambiguous, but also accords with the general spirit of the entire amendment. This reading of the clause would simply mean that of the whole range of the power of taxation that might be granted to home rule cities by legislative action, the cities could exercise just so much as the charter framers and voters decided to entrust to the governing authority by charter. Taking all these factors into consideration it seems possible if not indeed probable that the courts would hold that the amendment should be interpreted in this regard as though it read "and by their charters."

The next provision of the amendment, that relating to tax and debt limits, is simply a restatement of the same limitations that had been included in the section of the constitution permitting the incorporation of cities of over five thousand inhabitants by special law, which section was superseded by the present home rule amendment. It presents, therefore, nothing new in the way of constitutional requirements with regard to the taxing and borrowing powers of cities, whether operating under home rule charters or special charters.

The last provision of the amendment limiting the frequency of charter changes to once every two years is open to the objection that the adoption of one of a number of amendments, no matter how unimportant, prevents further action for this period. Opponents of fundamental charter improvements may thus, by passing a minor amendment, postpone important changes for two years.

#### LEGISLATIVE ACTION UNDER THE TEXAS AMENDMENT

So far we have been considering only the constitutional provision itself. It is apparent, however, that under a home rule amendment like that found in Texas everything depends on the attitude that the legislature takes with regard to the powers it may still exercise over the so-called home rule cities. It must be said, however, that the legislature has not so far evidenced a desire to negative the constitutional grant by an insistence on the exercise of all the powers left to it by the constitution. At the

session of the legislature following the adoption of the amendment there was passed what was known as the Home Rule Enabling Act.

This enabling act of 1913, itself suffering from defects of ambiguity and uncertainty in some important particulars, is a rambling piece of legislation covering some ten pages of the session laws. Perhaps the chief characteristic of this act is its evident realization of the intention of the legislature to deal liberally with the home rule cities. After repeating the text of the amendment the act passes on to describe the charter framing procedure, as well as that of adopting charter amendments. This procedure, which space does not permit us to describe in detail in this place, provides for the election of a charter commission, the result of whose labors are submitted to the voters for adoption. More interesting is the scope of powers granted to the cities by this act, which expressly confers upon all home rule cities the "full power of local self government." Following this general declaration comes a very lengthy enumeration of powers granted for "greater certainty," which grant is in turn followed by the declaration that "the enumeration of powers herein above made shall never be construed to exclude by implication or otherwise any such city from exercising the powers incident to the enjoyment of local self government."

Among the powers specifically enumerated may be mentioned the following:

"The power to determine the form of government and the usual corporate powers; the power to fix the boundaries and provide for annexation of adjacent territory; the power to exempt the property and funds of the city from execution and garnishment; and to exempt the city from liability in damages; the power to provide for levying and assessing taxes; the power to manage the finances of the city; the power to issue bonds; the power to own, construct and operate water works, gas works, electric lighting plants, telephones, street railways, sewage plants, fertilizing plants, abattoir, municipal railway terminals, docks, wharfs, ferries, ferry landings, loading and unloading devices and shipping facilities, or any other public service or public utility with the

power to condemn the property of individuals or corporations conducting such businesses; to grant franchises, subject to referendum; the power to regulate the charges and rates and prescribe the kind of service to be rendered by persons, firms, or corporations enjoying franchises or other public privileges in the city; the power of eminent domain for any public purpose; the control in, over, and under the streets and public grounds of the city and the power of providing for their improvement by special assessments; the power to define and prohibit nuisances for a distance of five thousand feet outside the city; the power to license all vehicles; the power to license all public amusements and all occupations susceptible to the control of the police power; the power to provide for public schools and to have exclusive control over the same; and the power to enforce all ordinances necessary to protect health, life and property, to prevent nuisances and to preserve and enforce the good government, order, and security of the city and its inhabitants."

To all of these powers must be added all the powers which these cities have heretofore enjoyed, either under general law or special charter, by virtue of a special section of the law.

It must not be forgotten, however, in contemplating this broad grant of local powers, that they are subject to repeal at any time by the legislature, subject only to the limitation that such repeal must not be by special law. That this limitation is, however, of considerable value to the cities is shown by the fact that since the passage of the enabling act the legislature has twice undertaken the passage of a public utility law which would have curtailed the wide powers now enjoyed by cities over the public utilities within their limits. On both occasions the home rule cities of the state organized a strong opposition to the bill on the ground that it infringed on their home rule rights, and this plea was at least partly responsible for the failure of the proposed measure on both occasions. On other occasions, however, the legislature has recently passed legislation which either directly or indirectly affected the enumeration of powers granted to cities by the enabling act. For instance, the legislature recently passed a bill applying to cities of more than 30,000 inhabitants, providing

that members of the fire departments in such cities should be entitled to two weeks vacation each year.

#### CHARTER ACTIVITY UNDER THE AMENDMENT AND ENABLING ACT

There remains to be mentioned briefly the extent to which cities have acted under the constitutional and legislative provisions for home rule in Texas. To date, the framing of a new charter has been undertaken by charter commissions in some thirty-three cities. In twenty-eight of these, new charters have been adopted, in three the proposed charters were defeated, and in two charter commissions are now at work. In most cases the agitation for a new charter under the home rule power has come from chambers of commerce or business men's organizations, usually more or less against the wishes of the city officials. Of the twenty-eight new charters adopted, practically all provide for the city manager plan of government, in either orthodox or modified form.

In twenty-six other cities action has been taken under the home rule powers in the form of charter amendments. Some of these were of a minor nature, in other cases very extensive charter changes have been introduced under the guise of amendments. In all, therefore, about fifty-four cities have taken effective action so far out of about sixty that claim to have the requisite population at the present time, showing a very marked interest in the question of charter improvement.



## MUNICIPAL HOME RULE IN NEBRASKA

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Servile dependence upon the will of the legislature and governor of the state has been the history from territorial days of the cities and villages of Nebraska. The municipalities in Nebraska have been excepted from the principle that relative to purely local matters local subdivisions ought to be left free to determine their own affairs. The charters of the cities of Omaha, Lincoln, and South Omaha, in particular, have been biennially tinkered with.

True, the Nebraska constitution provides that the legislature "shall not pass local or special laws . . . incorporating cities, towns and villages, or changing or amending the charter of any town, city, or village." (Art. III, Sec. 15.) But the Nebraska supreme court in 1884, when the question first came before it, declared that the classification of cities for legislative purposes might, in the discretion of the legislature, "be extended to any number of classes or sub-classes." (State *ex rel.* Jones v. Graham, 16 Neb. 74.) Ever since, the three largest cities of the state, Omaha, Lincoln, and South Omaha have each been in separate, exclusive classes.

The theory of an inherent right of local self-government in municipalities found support in Nebraska from 1898 to 1901. In State v. Moores, an action in the nature of quo warranto, presenting to the supreme court the constitutionality of a statute conferring upon the governor the power to appoint the members of the board of fire and police commissioners of the city of Omaha, the court in holding the statute unconstitutional said:

"The right of local self-government in cities and towns—i. e. the power of the citizens thereof to govern themselves as to matters purely local in their nature, through officers of their own selection—existed in this state at the time the present constitution was framed, and was not surrendered upon the adoption of that instrument, but is vested in the people of the respective municipal-

ities, and the legislature is powerless to take it away. The right to maintain a fire department in a city or town is one of the rights vested in the people of municipalities, and is to be exercised by them, without legislative interference, except to the extent the law-making body may prescribe rules to aid the people of the municipalities in the exercise of such right." (3rd and 4th Syllabus, 55 Neb. 480.)

But three years later the court reversed itself in these words: " . . . . We have been led to re-examine the majority opinion in *State v. Moores*. . . . After a careful examination of that opinion, and with a due appreciation of the learning and ability of the members of the court who concur therein, we beg to say it does not commend itself to our judgment. It holds that the provisions of the statute placing the power to appoint members of the board of fire and police commissioners in the hands of the governor are invalid, not because it is in conflict with any express provision of the state or federal constitution, but because it is repugnant to the inherent right of local self-government, which, it is claimed, was retained by the people at the time of the adoption of the organic law. So far as the individual members of society are concerned, in the nature of things, there can be no such thing as an inherent right of local self-government. The right of local self-government is purely a political right, and all political rights, of necessity, have their foundation in human government. For an individual to predicate an inherent right—a right inborn and inbred—on a foundation of human origin involves a contradiction of terms. So far as a city is concerned, considered in the character of an artificial being, it is a creature of the legislature. It can have no rights save those bestowed upon it by its creator. As it might have been created lacking some right bestowed upon it, it is in no position to complain should the power that bestowed such right see fit to take it away. In other words, the power to create implies the power to impose upon the creature such limitations as the creator may will, and to modify or even destroy what has been created. The power to create a municipal corporation, which is vested in the legislature, implies the power to create it with such limitations as the legislature may see fit to impose, and to im-

pose such limitations at any stage of its existence, That such power may not always be exercised most wisely is among the possibilities, but that does not warrant this court in wresting it from the hands to which the people, by the fundamental law of the state, have confided it." (Redell v. Moores, 63 Neb. 219.)

Unquestionably the great weight of authority is against the doctrine of the inherent right of local self-government, and there has been no attempt since this last decision on the question to re-introduce the doctrine in Nebraska.

However, the principle of the right of a city to work out its own civic destiny continued to spread in Nebraska. The movement finally culminated in the adoption in 1912 of a home rule amendment to the constitution. The amendment reads as follows:

"Sec. 1. Any city having a population of more than five thousand (5000) inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this state, by causing a convention of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be within four months after such election, to prepare and propose a charter for such city, which charter, when completed, with a prefatory synopsis, shall be signed by the officers and members of the convention, or a majority thereof, and delivered to the clerk of said city, who shall publish the same in full, with his official certification, in the official paper of said city, if there be one, and if there be no official paper, then in at least one newspaper published and in general circulation in said city, three times, and a week apart, and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified voters, voting thereon, shall ratify the same, it shall at the end of sixty days thereafter become the charter of said city, and supersede any existing charter and all amendments thereof. A duplicate certificate shall be made, setting forth the charter proposed and its ratification (together with the vote for and against) and duly certified by the city

clerk, and authenticated by the corporate seal of said city and one copy thereof shall be filed with the secretary of state and the other deposited among the archives of the city, and shall thereupon become and be the charter of said city, and all amendments to such charter shall be authenticated in the same manner, and filed with the secretary of state, and deposited in the archives of the city.

"Sec. 2. But if said charter be rejected, then within six months thereafter, the Mayor and council or governing authorities of said city may call a special election at which fifteen members of a new charter convention shall be elected to be called and held as above in such city, and they shall proceed as above to frame a charter which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated may be repeated until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the secretary of state as aforesaid, and a copy thereof deposited in the archives of the city, whereupon it shall become the charter of said city. Members of each of said charter conventions shall be elected at large; and they shall complete their labors within sixty days after their respective election. The charter shall make proper provision for continuing, amending or repealing the ordinances of the city.

"Sec. 3. Such charter so ratified and adopted may be amended, or a charter convention called, by a proposal therefor made by the law-making body of such city or by the qualified electors in number not less than five per cent of the next preceding gubernatorial vote in such city, by petition filed with the council or governing authorities. The council or governing authorities shall submit the same to a vote of the qualified electors at the next general or special election not held within thirty days after such petition is filed. In submitting any such charter or charter amendments, any alternative article or section may be presented for the choice of the voters and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter con-

vention shall be called through a special election ordinance, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, as provided in Section two hereof. The city clerk of said city shall publish with his official certification, for three times, a week apart in the official paper of said city, if there be one and if there be no official paper, then in at least one newspaper, published and in general circulation in said city, the full text of any charter or charter amendment to be voted on at any general or special election.

"No charter or charter amendment adopted under the provisions of this amendment shall be amended or repealed except by electoral vote. And no such charter or charter amendment shall diminish the tax rate for state purposes fixed by act of the legislature, or interfere in any wise with the collection of state taxes." (Art. XIa.)

The Nebraska constitutional amendment as quoted is similar to those of other states. It contains the provision, found in other home rule provisions, that a home rule charter shall be "consistent with and subject to the constitution and laws of the state." It is clear that a charter framed and adopted by any city ought to be subject to the state constitution, but to provide that it shall be consistent with and subject to the statutory laws of the state is illogical and meaningless. In order to preserve the rights which it was without question the intention to confer upon Nebraska municipalities, the court will have to follow the spirit and not the letter of the amendment.

Lincoln is the only city in Nebraska which has framed and adopted a home rule charter. Two attempts were necessary. The failure to adopt the first charter in December, 1913, was not because of any objection to the principle of home rule, but because of unpopular provisions in the charter submitted. The members of the second charter convention, desiring before all else to secure home rule and to leave the amending of the charter until later, compiled the statutory provisions which made up Lincoln's charter and submitted them as a home rule charter. In consequence, there was no other issue in the election than that of home rule for

Lincoln, and the charter carried in November, 1917, by a ten to one majority.

A home rule charter was submitted to the voters of Omaha in March, 1914, but defeated. Here again the defeat was due to objectionable features in the charter and not to the principle of home rule.

It will only be a matter of time until all the larger cities of Nebraska will adopt home rule charters. All of them are anxious to be emancipated from state capitol influence, with its party politics, log rolling, and natural ignorance of municipal needs. It must be admitted that there has existed in Nebraska a degree of legislative deference toward the pleasure and will of municipal corporations, but the expression of that will of the city for the benefit of the legislature has been haphazard and irresponsible and usually not by anyone in authority to speak for the municipality. The right of municipalities to frame their own charters and to legislate for themselves in matters strictly local in character is bound to come.

## MUNICIPAL HOME RULE IN OREGON

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By municipal home rule we mean, I suppose, effectual participation by the electorate of a municipality in making the laws by which they are locally governed, and exclusion of other authorities from such participation. The laws referred to are chiefly the charters or other constituent acts creating and defining the authority of the corporation, since the representative system, which has long been in general use in municipalities, affords an opportunity, in theory at least, for the voters of a municipality to take part in the making of ordinances or by-laws subordinate to its charter. The right of direct legislation by the voters of a town, however, would probably be considered an exercise of home rule even in respect to those acts of lesser dignity.

The beginning of municipal home rule in Oregon appears to have been with the passage by the legislature of 1901 of an act appointing a committee of citizens to draft a charter to be submitted to the voters in 1902. Upon the approval of this measure by the voters, the next legislature, in 1903, enacted it without change and the people of the city were thus provided with an organic law of their own choosing. In the same year was adopted the constitutional amendment reserving to the people of the state at large the initiative and referendum powers, but it was not until four years later that these powers were extended to voters in municipalities. The essential parts of these latter amendments are as follows:

Article IV, Sec. 1a. "The initiative and referendum powers reserved to the people by this constitution are hereby further reserved to the legal voters of every municipality and district, as to all local, special, and municipal legislation, of every character, in or for their respective municipalities and districts. The manner of exercising said power shall be prescribed by general laws, except that cities and towns may provide for the manner of exercis-

ing the initiative and referendum powers as to their municipal legislation."

Article XI, Sec. 2. "Corporations may be formed under general laws, but shall not be created by the legislative assembly by special laws. The legislative assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the constitution and criminal laws of the State of Oregon."

In 1910 this section was amended by an addition relating to the control of the liquor traffic, which, however, does not affect this discussion.

The first inquiry we naturally make in respect to any political right or privilege is how extensively and how effectively and intelligently it is used. Until recently, it has not been possible to know to what extent the municipalities of Oregon have exercised their home rule powers, without inquiry and investigation in each municipality, laborious and difficult beyond conception of anyone who has not had it to do; but in 1917 the legislature passed a statute providing that the courts should take judicial notice of charters and charter amendments adopted by the initiative when they were filed, properly certified, with the supreme court librarian.<sup>1</sup>

Pursuant to this statute, the greater number of the municipalities of the state have filed their charters as they now stand with the librarian and a study of them yields some data toward an answer to the first of the questions above suggested. In a table included in this paper is set forth a list of some sixty-six Oregon towns, including all save one of those which claimed a population of one thousand or more, as indicated by the last edition of the

<sup>1</sup>Professor Howard Lee McBain, in his valuable work on "The Law and Practice of Municipal Home Rule," published in 1916, asserts that only five cities in Oregon have availed themselves of the constitutional right. The difficulty of obtaining accurate information on the subject may excuse the error, which it must be admitted is pretty large, something like one hundred cities and towns, instead of five, having actually exercised the right to enact or amend their charters. The incident serves to show the uncertainty of political information obtained at a distance, and the danger of drawing inferences from insufficient data. Some of Professor McBain's conclusions as to the law in Oregon should also be corrected in the light of decisions not referred to by him.



*Oregon-Washington Gazetteer*, and including also such of the county seats of the various counties as were of less population, with the exception of two small remote county seats, whose charters have not been obtained. The classification is, of course, a very rough one, but is sufficient for our present purpose.

The table shows the year of the legislative charter, the cases in which a complete charter has been adopted by the initiative, and the dates and subjects of the amendments in the cases where no initiative charter has been adopted or where amendments subsequent to it are shown in the official copy. It appears that of the sixty-six towns comprised in the table twenty-four have adopted complete initiative charters, thirty-five have made more or less numerous amendments by the initiative, and seven have been content to continue under the charters granted them by the legislature before the constitutional amendments above referred to went into effect.

An examination of the charters of thirty-six smaller towns, including all claiming a population of five hundred, or over, which have filed with the librarian, shows that twenty-four have complete initiative charters, five have amended their legislative charters by the initiative, and only seven have been wholly inactive, two of which have organized under the general incorporation act of 1893. It should be noted that the table does not undertake to give a complete record of the political activities of the towns included, since it does not cover any direct legislation other than charter amendments, such as municipal ordinances, and does not record the not infrequent instances in which amendments have been submitted and have failed to carry. It does show, however, a considerable and interested exercise of the power.

With respect to the quality and workmanship of this legislation not much is to be said. Both amendments and original charters show a lamentable lack of originality, the Portland charter of 1913 having been copied in many instances with a fidelity more nice than wise. No considerable innovations nor skillful adjustments have been noted, although it is impossible to form a judg-

ment on this point without more complete acquaintance with the actual working of the city government in these towns, the way it works being, of course, the only sound test of the value of any law or other political device. The flourishing town of LaGrande was among the earlier places to adopt the commission-manager form and it seems to have worked very well there. Several other towns, including Portland, have adopted the commission system, and there is evident a tendency that way in the frequent enlargement of the powers of the city councils and in some instances the assignment to their members of administrative departments.

Among the subjects of legislation, fiscal questions relating to bonded indebtedness, tax limit, etc. have engaged the attention of the largest number of cities, with provisions for street and sewer improvements and assessments a close second, due to the fact that Oregon towns and villages have bestirred themselves amazingly in the last ten years in respect to paving and like improvements to such an extent that they are hardly recognizable as the mud-mired places of a decade ago. Water works and other public utilities and betterments have occupied a good deal of space and have been the subject of a great deal of legislation. As might be expected the political arrangements of officers and elections have taken their share, but on the whole a much less share than the more practical matters of civic improvement. Experiments have evidently not been invariably successful, the tendency to legislate repeatedly on the same subject being very marked, as shown by the table. The chief inference to be drawn from the table is that Oregon towns have been, on the whole, very active in the exercise of their home rule powers.

NAME AND POPULATION	Charter Legis'tive	Initiative Charter	SUBJECTS OF		
			Water Works	Other Utilities	Street and Sewer Im- prove'mts
✓ Albany 7500 .....	1901	12 2 12	12 3 16		3 22 16
✓ Astoria 15000 .....	1891				12 12 06
					12 14 10
					12 11 12
					12 9 14
			12 13 16		3 22 16
✓ Ashland 7000 .....	1905				
Bandon 2000 .....	1891	5 3 12	1 29 09	1 29 09	1 29 09
Baker 8000 .....	1903	10 3 10 amd'd			
		11 4 12			
✓ Bend 3600 .....		1 22 11 amd'd			
		8 15 16			
Burns 1200 .....	1899		7 30 12		
Central Point 1100 .....	1889	3 8 09			
Clatskanie 1000 .....	1905		4 22 12		4 2 17
Condon 1250 .....	1905				
Coquille 1800 .....	1901				7 18 10
6 Corvallis 4500 .....	1903	Appa'tly before 7 12 10		6 28 11	7 31 11
					1 23 13
✓ Dallas 3000 .....	1901				6 28 15
Elgin 1200 .....	1903				
Enterprise 2000 .....	1899				1 7 11
10 Eugene 1400 .....	1905				4 18 08
				4 3 11	6 21 09
			10 1 08	6 17 11	3 4 12
			5 16 10	4 6 14	4 1 12
			4 7 13	4 7 15	11 24 13
					8 2 15
Falls City 1000 .....	1903		12 6 10		4 4 10
Florence 1200 .....		4 7 14	6 7 15		6 7 15
Forest Grove 2500 .....	1903	1 11 09			
Fossil 675 .....	1895				
Gladstone 1000 .....		7 31 11			
✓ Grants Pass 5000 .....	1905				1911
Gresham 1200 .....	1905				
Heppner 1350 .....	1899				
Hillsboro 3000 .....	1899	4 17 11			
✓ Hood River 2750 .....	1901		3 25 09		
			5 7 12		
Independence 1800 .....	1905				6 14 07
Jacksonville 800 .....	1893	6 21 11		7 3 17	
✓ Klamath Falls 5300 .....	1905	3 10 13			
7 LaGrande 6750 .....	6 22 09				
	12 13 15				
Lakeview 1200 .....	1893				
Lebanon 2500 .....	1903	12 2 07			
		12 1 13			

INITIATIVE AMENDMENTS AND DATE OF ADOPTION								
Other Improve'mts	Condemnation of Lands	Fiscal Indebtedness taxation	Miscellaneous Charter powers	Building Railways	Officers	Elections	Intoxicating Liquors	Boundaries
		3 22 16 12 12 06	12 12 06		12 12 06	12 12 06		
			12 9 14		12 11 12			
		3 22 16	9 8 08		12 14 16			
		1 29 09	1 29 09					
				8 1 16				5 10 16
				7 18 10				
			7 31 11				7 31 11	7 12 10
7 12 10		1 22 12						
1 22 12		6 28 15			6 28 15	6 28 15		
6 28 15		4 4 10				5 2 17		
		3 13 11					3 13 11	
3 13 11		1 7 11						1 7 11
3 4 12		5 10 10						
		4 31 11						
6 13 11		6 7 11				6 28 09		
3 4 12		4 7 13				4 7 13		
4 6 14		4 6 14	4 6 14		4 6 14	4 6 14	4 6 14	1911
		4 4 10				4 5 15		
6 7 15								
10 6 15								
5 11 14	5 11 14							
1911				1911	1911			
								12 5 16
					6 14 07			6 14 07
						4 9 15		

NAME AND POPULATION	Legis'tive Charter	Initiative Charter	SUBJECTS OF		
			Water Works	Other Utilities	Street and Sewer Im- prove'm'ts
3 McMinnville 3100 .....	1903		11 4 07 12 2 08 11 6 11		11 4 07 11 6 11 11 4 12
4 Marshfield 4300 .....	1905				9 30 12 12 1 14
6 Madras 400 .....		2 14 11 \			8 2 10
6 Medford 11000 .....	1901		5 28 12	1 13 14	3 10 11 5 28 12 1 9 17
Milton 1800 .....	1893			12 14 09	
Milwaukie 1200 .....	1905		3 8 13 8 2 15 3 4 16	3 8 13	12 6 09 2 13 11
Mount Angel 1000 .....	1905				
Moro 500 .....	1899		4 6 14	4 6 14	
Myrtle Point 1100 .....	1905		2 8 09	2 8 09	4 5 15 10 4 10
3 Newberg 2500 .....	1905				
Newport 1200 .....	1905				
2 North Bend 2200 .....		9 19 08 \			numerously
Ontario 1800 .....	1903	6 25 14 \			
6 Oregon City 6500 .....	1903	2 21 10 \			2 21 10
7 Pendleton 7500 .....	1899	3 9 11 \			3 9 11
258 Portland 295483 .....	1898	(1903) \			6 7 15
		1913		6 4 17	6 4 17
Prineville 2000 .....	1899				12 18 16
Rainier 2500 .....	1893	4 7 13 \			
4 Roseburg 5700 .....	1895		5 6 07	5 6 07	5 6 07
St. Helens .....	1893	7 6 15 \	4 17		
17 Salem 18000 .....	1862	8 15 10			12 4 11
	1903				7 9 17
Seaside 1400 .....	1903	2 28 12 \			11 2 15
Sheridan 1200 .....	1891				
Silverton 2000 .....	1901		3 1 11		5 7 17
Springfield 2000 .....	1903				
Stayton 1300 .....	1903				
6 The Dalles 6000 .....	1905				6 30 10 6 30 11 6 30 12
Tillamook 2000 .....	1901		7 28 11 4 12 12		7 28 11 4 12 12 10 19 14 12 6 15
Toledo 600 .....	1905		7 31 11		
Union 2000 .....	1903				
Vale 1500 .....	1905	5 7 12 \			
Wallowa 1200 .....	1899	3 18 13 \			
West Linn 1000 .....		8 14 13 \	1 30 15		
Woodburn 1900 .....	1899	6 30 09			11 1 09 11 7 11

## INITIATIVE AMENDMENTS AND DATE OF ADOPTION

Other Im- prove'm'ts	Condemn- ation of Lands	Fiscal In- debt'dness taxation	Miscellan- eous Char- ter powers	Building Railways	Officers	Elections	Intoxicat- ing Liq- uors	Bounda- ries
II 4 07 4 4 10 5 2 12 II 2 14					II 4 07	II 4 07		4 2 10
						II 4 12		
						9 30 12 12 7 15		
		6 14 07 8 2 10	5 10 09			1 11 10 3 11 10 1 13 14 1 11 16		
				5 23 16	3 22 13			
12 14 09		II 10 13			12 14 09			12 14 09
	3 8 13	2 13 11 3 8 13					2 13 11 3 8 13	
		3 21 08 2 8 09 4 5 15 7 5 10					4 5 15	
7 5 10 amended								
		3 9 11						
6 7 15 6 4 17		6 4 17 9 11 16	6 4 17 12 18 16	9 11 16	6 7 15 II 12 15	II 12 15		
	5 6 07	5 6 07	5 6 07	10 5 14 6 3 15 5 22 16	5 6 07	5 6 07		5 6 07
		7 6 15	numerous amendments prior to initiative charter					
	12 7 08	12 6 09 12 4 11						
		II 2 15 12 2 07 2 09 8 31 10 8 10 11 II 3 14			II 2 15	12 4 11 12 2 07	9 10 13	3 28 10
								10 4 09
								II 7 15
6 30 11 6 15		6 30 12 6 15	6 30 10 6 15 6 16					
		7 28 11 10 19 14 3 29 15 12 6 15	7 28 11 12 4 16		12 4 11 4 12 12		7 28 11	
5 6 15	10 19 14							
		II 7 11	II 7 11		4 17 11	4 17 11	II 7 11	4 17 11

There is available another source from which information can be had as to how municipal home rule works in one Oregon city, the only considerable one in the state.

Since the adoption of the 1903 charter, no less than one hundred and seventy-five measures have been submitted to and voted on by the voters of the city of Portland. Of these seven were submitted by the legislature before the constitutional amendments went into effect; twenty-nine were offered by initiative petitions; five were referenda and one hundred and thirty-two were submitted by the council. The large proportion submitted by the council is due to the fact that that body is usually willing, when there is a general demand for the submission of a question, to present it to the electorate in that manner and thereby save the expense and labor of circulation of an initiative petition. Every one of the referenda was defeated. Eighteen of the initiative measures were defeated and eleven passed; while of those submitted by the council sixty-seven were defeated and sixty-five passed. The proportion of successful and defeated measures has little significance standing alone; but it is impossible to scan this list and note how one is taken and another left, and how the majorities differ, without getting a strong impression that the voters exercise a deliberate and intelligent choice.

One fact at any rate does loom up very boldly from the votes, namely, that the statement made with damnable iteration by those who "read history not with their eyes but with their prejudices" that it is the disposition of the voters under universal suffrage to spend the public money recklessly, is entirely at variance with the facts. Thus of some sixteen proposals to increase or permit the increase of salaries, every one was defeated. Of some thirty-four proposals to issue city bonds, nineteen were defeated and fifteen passed, and it may be said with confidence that every one of those passed was approved by the great majority of the responsible and heavy taxpayers of the city, and almost every one of them was supported by the press with practical unanimity; indeed, a great many of the bond measures defeated had this approval. The reproach more justly to be leveled against the electorate is that it is excessively stingy with public money, not only

in respect to salaries, though the people are notorious "tight-wads" in that particular, but as to any sort of expenditure.

The voters have shown also a decent regard for the rights of large corporations. Thus there were submitted in 1913 proposals to revoke two franchises long previously granted to railroads, which many thoughtful citizens believed had been abused and were being exploited to the disadvantage of the city, and a very earnest and extensive agitation was carried on against the continuance of them. The railroad companies, as far as I know, were not charged with making use of any improper influences to get votes, but the voters, in spite of the temptation, defeated both measures. Again, in 1917, a proposal was submitted to increase the proportion which the railroad companies had to pay for the elimination of grade crossings. In the particular case then on hand it was felt that the railroad company was practically the sole beneficiary of the improvement and it was contended that it should pay eighty per cent of the expenses instead of sixty per cent as provided by the existing statute. This proposal was also defeated without any apparent campaign against it by the railroad companies at all. A "no seat no fare" ordinance proposed and urged as a measure of justice against the street railroad company which owns practically the entire system in Portland and which was prodigiously unpopular, was also defeated.

The voters of Portland have further shown a pretty uniform disbelief in municipal ownership, defeating practically every measure of that kind submitted to them. Some of them were unworthy and proposed merely for the purpose of injuring existing public service corporations, and some of them were doubtless sound, at any rate from the standpoint of those who believe in municipal ownership at all. Yet the average Portland citizen is very proud of the municipal water system, and there is as acute criticism and dislike of the various companies which are exercising franchise rights as would be found anywhere. On the other hand they almost always vote for franchises which enable other public utility corporations to compete with those now in operation, indicating that they are not yet converted to the modern idea of perfecting public service through regulation rather than through



competition. The voters do, however, approve the most stringent regulations against divesting the rights of the public in streets or other public property, and are abundantly willing to tax the gross profits of public service corporations. Probably the Portland voters are regarded by most conservative representatives of large business interests as being fearfully radical, but nevertheless a certain conservatism plainly shows itself in these votes.

Another fact which appears unmistakable on the face of these returns is that the voters pay very little deference to their own officers in passing upon the desirability of the measures submitted, but like to exercise their own judgment. In 1913, a few months after the commission charter had been adopted, the council submitted and urged the adoption of some fifteen measures, most of which were designed to correct what they considered defects in the charter and to make it work more smoothly. A good many persons thought that the council was unnecessarily fussy about the amendments, and while there was practically no discussion, except for some arguments made on behalf of the council at public meetings, every single one of the amendments was defeated, most of them by very large majorities. One of the most curious phenomena of modern politics is the wide-spread distrust by the public of the very officers whom they have deliberately chosen to administer their affairs and the extraordinary confidence which they show in a single executive who has shown notable ability, courage and trustworthiness.

Measures looking toward social betterment or humane administration of public affairs, such as turning over the city pound to the Humane Society under regulations which made that society responsible for its proper conduct, a free employment bureau, an indeterminate sentence law, a law providing a woman auxiliary police officer to look after offenses especially affecting women, billboard regulation, and the like, are almost invariably passed. The measures providing for a commission form of government in Portland were twice defeated and on a third submission approved. The change was partly due to the campaign of education which had been carried on in the meantime, partly perhaps due to differences in the form of amendment, although the last was much more

radical than the first submission. Two proposals to defeat the commission charter and return to the old system have been defeated, although the commission system has not made any brilliant or dramatic appeal to the average voter and is extremely objectionable to the small politician who finds himself deprived of his much valued influence through the doing away of ward councilmen.

Attention should be called to the recall election held in 1914. The commission charter had then been in operation only a little over a year and there was not only acute hostility to it among the small politicians who had been dethroned by its operation, but a pretty general dissatisfaction with some of the commissioners who, although excellent officers, had been very tactless. The general election the following year showed that the majority were strongly dissatisfied with these officers; but at the recall election they were nevertheless retained in office by a very respectable majority, apparently on the theory that they were entitled to a fair show, which could hardly be had without allowing them to serve out their terms.

The home rule provisions of the Oregon constitution make no express reference to the power of the legislature to enact general laws which, by implication, might amend the charters of all cities, nor do they impose any express limitation on local charter making as affecting matters of general state concern, nor otherwise define the limits of municipal authority. The provisions with respect to the procedure by which they were to be put into effect are also somewhat indefinite and wanting in detail. Now, while it was obviously the purpose of the people in granting the cities home rule powers to set bounds to the authority of the state, it is not to be thought that they intended to make of each town an independent government, *imperium in imperio*, as the courts are fond of saying, and to cut the power of the state clean off at the city gates; nor is it probable that they meant to confer upon the city entirely unfettered governmental powers even when the state had no occasion to interfere. And what was to be said of the authority of the city without its borders, an authority which had been fre-

quently granted in city charters enacted by the legislature? The labors of the courts in working out the answers to the questions thus suggested form a very important contribution to the development of the home rule system in Oregon, and may not be without value in other communities.

After a considerable period of doubt and hesitation by the courts, the superior rights of the people at large to direct their affairs over those of any locality have been firmly established. In well considered opinions in the cases of *State v. Port of Astoria* (79 Oregon 1; 154 Pacific 399) and *Rose v. Port of Portland* (82 Oregon 541; 162 Pacific 498), Mr. Justice Harris, who had come on the bench since the earlier decision in *Kalich v. Knapp* (73 Oregon 558; 142 Pacific 22), undertook a thorough and minute examination of the two constitutional amendments in question, and as a result of a cogent and masterly analysis of their text, reinforced by other considerations, arrived at the conclusion that the legislature may enact a general law which modifies the charter or acts of incorporation of all cities, towns, municipalities or districts. The writer is convinced that this rule is essentially sound and imposes an important and indeed necessary limitation upon the development of municipal home rule.<sup>2</sup>

<sup>2</sup>For further discussion of the legal questions before the Oregon courts see article to appear in the *National Municipal Review*.

## THE LEAGUE OF CALIFORNIA MUNICIPALITIES AND ITS WORK

WM. J. LOCKE, EXECUTIVE SECRETARY

One day in December, 1898, a handful of men assembled in the city of San Francisco, and formed the organization which has proved since to be such a great factor in the progress and development of California's cities and towns. At that time there were about a hundred municipalities in the state. Municipal government throughout the country was in a deplorable condition. James Bryce in his *American Commonwealth* had referred to it as our one conspicuous failure. Graft, bossism, and inefficiency were prevalent in all the large cities of the country, and a general cry had been raised throughout the land for municipal reform.

This was the situation when it was suggested to the mayor of a small town near San Francisco that it would be a good idea to have a state organization of the cities and towns. The suggestion appealed favorably to those with whom he consulted, and finally a meeting was called which resulted in the formation of the League of California Municipalities. Twenty-nine officials, representing thirteen cities, participated in the first convention. The growth and influence of the organization were continuous from the outset, and since that first meeting in San Francisco nineteen years ago, annual conventions of city officials have been held each year in some city of the state; meanwhile the league has increased its membership from thirteen to two hundred and sixteen cities and towns. Prior to the formation of the league no record was kept of municipal work. Each city and town was entirely in the dark as to what the others were doing or how they were doing it; there was no stimulus to do very much, and most of their officials simply drifted along in a careless, indifferent way, apparently without any plans or ideas for the future growth and development of their respective municipalities.

Following the organization of the league all this was changed. An official organ, giving an account of the various municipal im-

provements going on throughout the state, was published and distributed monthly to the officials of those cities and towns belonging to the organization. Such accounts of what some of the cities were doing stirred others to action. New life was injected into the municipalities, and a demand was created for sanitary improvements, street pavements, parks, playgrounds, and other public betterments. From time to time comparative tables were published showing the work under way, and calling special attention to those cities and towns which were making the greatest progress. At the annual conventions, it was the practice to call upon the representatives present to give an account of the achievements of their respective municipalities during the preceding year. These accounts served as an additional stimulus to further improvement, natural pride prompting the desire to keep up with the pace.

However, the principal value of the annual meetings has been found to lie in the fact that they serve as a clearing house of ideas and experiences, affording an opportunity for officials to report the results of their tests and experiments and thus enable others to profit by their example. It is customary to have the various subjects treated in a practical rather than an academic manner; for example, instead of discussing municipal ownership as a question of economics, short talks are invited on experiences in operating municipal waterworks or lighting systems. In this way the successful operation of public utilities is emphasized, and towns which have encountered difficulties are stimulated to further endeavor. Besides the benefits which are derived from these informal discussions much good is accomplished by the private talks between delegates. During recess, at meal times, and in fact wherever and whenever two or more officials get together, the discussions are continued and extended. Everybody seems to talk shop and the amount of interest and devotion shown by the delegates is truly remarkable.

In order to accomplish the greatest amount of good it has been found advisable to divide the morning sessions into departments, the city attorneys meeting in one room, the clerks, auditors and assessors in another, and the engineers, councilmen and street superintendents in another. The program is so arranged that

the questions taken up at these morning sessions are of particular interest to the respective departments only. For instance, the clerks, auditors and assessors will take up such matters as uniform accounting systems, equitable assessing, and kindred topics, while the attorneys are threshing out legal problems, and the engineers, councilmen and street superintendents are discussing such matters as street paving or sewer systems. In the afternoon all the delegates meet together in one body and take up matters of general interest. For the past six years the state board of health has made it a practice to hold an annual convention of the state, county and municipal health officers at the same time and place as the league, and occasionally a joint meeting is held when some phase of municipal sanitation is under consideration. The discussions of the entire body are recorded by a stenographic reporter and subsequently published and distributed free to the cities and towns.

Six years ago a feature was added to the annual meetings in the form of an exposition of the various kinds of machinery, apparatus and supplies used by the municipalities. Here the officials are afforded an opportunity of witnessing practical demonstrations of the latest machines and devices used in municipal work. This feature may be said to have the same relative value to city officials that an exhibition of farm machinery has to farmers; it enables them to make comparisons which are otherwise impossible. Another feature was added a few years ago in the form of an exposition of pure foods and food products, sanitary devices and health exhibits, being conducted under the auspices of the state board of health. During the early years of the league the annual conventions lasted about three days; now they consume nearly a week, the aim being to make that week as profitable in an educational way as possible. It may be likened to a university "short course series" in the administration of municipal government. Moreover the instruction is furnished by experts, as those who prepare papers are selected with a view to obtaining men "who know what they are talking about." It would be most embarrassing for the speaker if he did not; the quizzing would soon demonstrate his incapacity.

At its very inception the league fixed a schedule of annual dues which would provide sufficient means to pay a secretary and maintain a headquarters. These dues range from \$10.00 to \$60.00 a year, according to population, and they provide an annual revenue of over \$4000. The fact that the membership is increasing each year and that a town rarely surrenders its membership is proof that the league has justified its existence. It was agreed at the outset that in order to maintain continuous interest in the work, an official organ would be necessary, and before the end of the first year a monthly publication was started. It has been issued continuously ever since, its pages being devoted exclusively to municipal problems and doings. It is sent free each month to the officials of those cities belonging to the league, and thus it provides an additional means of disseminating knowledge regarding municipal work quite as valuable as the annual meetings. The articles published are contributed by city officials or reputable authorities on municipal problems. Besides containing the latest information regarding municipal work, the magazine gives a brief account of what the different cities and towns throughout the state are doing in the way of municipal improvements.

The league also maintains a bureau of information at its headquarters, and city officials are encouraged to make free use of this department. Replies to queries are sent without delay, unless the nature of the inquiry is such as requires special investigation. This service is most valuable to the small towns. The secretary, having made a special study of municipal corporation law, for that reason, is deemed qualified to fill the requirements imposed by this feature of the organization. Another valuable service is the collection and loaning of ordinances. Copies of new ordinances passed by the municipalities throughout the state are collected and filed at headquarters. These are thoroughly indexed and cross-indexed, and are loaned to city attorneys or other city officials on request. In addition to these, may be had model specifications relating to public work, also legal opinions, pamphlets, and general literature concerning municipal affairs. The league has also done considerable work through committees

in drafting model ordinances on various subjects, such as building construction, and fire protection for small towns, also for the assessment, levy and collection of taxes. It has also concerned itself very largely in matters of legislation, the main objects being to secure more power for the municipalities, and to simplify procedure; also to oppose any threatened legislation violating these principles.

One of the most valuable services performed by the league is in connection with new legislation. At every session of the legislature one or more representatives are in constant attendance. As a result many beneficent measures have been secured for the cities and towns, while on the other hand, many pernicious bills have been defeated.

Almost from its inception the league has recognized the importance of securing a uniform system of accounting. The first plan was to try to secure it by voluntary action of the city officials, but this met with but little encouragement. Several attempts to have the necessary legislation enacted were likewise unsuccessful. Finally it was decided to try to have a law passed providing for a system of annual reports, realizing that a uniform accounting system would follow as a natural sequence. There was no difficulty in getting the legislature to pass such a measure, and several reports have already been published. They are valuable documents, and will help to bring about the adoption of a uniform system of accounting. In order that our municipalities may go ahead on a sound basis they must be able to make comparisons of costs and expenditures, and this is impossible without uniform accounting systems.

On several occasions the league has undertaken the defense of its members in lawsuits, where the question involved concerned all municipalities. In one case a New Jersey company sought to collect royalties on an alleged patent for the application of crude oil to the streets for the purpose of laying the dust. The league raised a defense fund of \$5000, engaged able patent lawyers and after a year's contest won a victory. At the present time the league is undertaking the defense of its cities from the demands of a patent septic tank company. These undertakings furnish



additional proof of the benefits derived from the organization. During its annual conventions, the league has always made it a practice to discourage sight-seeing trips or elaborate banquets as the expenses of the delegates are invariably paid by their respective cities, and the league does not wish it to be said that such officials are enjoying a junketing trip at the expense of the taxpayers.

There is another important enterprise about to be launched for the benefit of our municipalities. In conjunction with the extension division of the University of California, plans have been adopted for giving correspondence courses of instruction to city officials, particularly those officials connected with the department of administration. At the outset the course will cover the offices of city clerk, city attorney and street superintendent. They will be open to the general public as well as aspirants and present incumbents. The idea has met with general approval and great expectations are held out as to its possibilities. It is generally believed that it will bring about more intelligent administration and greater efficiency in the management of our cities. Graduates in these courses will be given diplomas in the name of the university and the league. Another idea in contemplation involves a series of illustrated lectures on municipal growth and development, to be delivered to the citizenship of the different cities and towns, under the auspices of the local chambers of commerce or other civic organizations. The conclusion has been reached that in order to secure better government and a wiser application of municipal resources, it is necessary to interest and educate the citizen as well as the official. The average official cannot be expected to be much farther in advance than the electorate he represents.

It is universally conceded that the League of California Municipalities has been a tremendous stimulus to the growth and development of our cities. It is the earnest hope of all good citizens that its power and influence may be increased as time goes on, that the success which it has achieved may serve as an inspiration, and that the time will come, and come soon, when municipal government in this great republic will be recognized as a conspicuous success and a source of patriotic pride.

## THE CITY MANAGER PLAN FOR CHICAGO

GEORGE C. SIKES

### *Chicago Bureau of Public Efficiency*

The Chicago Bureau of Public Efficiency was organized and began work in August, 1910. It is a citizen agency supported by voluntary contributors. Its purpose is to investigate the expenditures of local governing agencies in Chicago and to make suggestions for improvement. The bureau began operations by studying the detailed management of particular offices. Its earliest report, aside from that on the budget of Cook County, was on the office of recorder. Then followed reports on such offices as sheriff, coroner, treasurer and clerks of the various courts. The park governments of Chicago also received study.

As a result of the bureau's reports, improvements were effected in several offices. In some cases, however, the independent heads of the offices, who talked loudly of their direct responsibility to the people, refused to make changes clearly in the public interest. As a matter of fact, the multiplicity of independent elective officials creates a maze of irresponsibility under which the people find it difficult, if not impossible, to make their will effective in government.

Much more is involved than the wrongheadedness or spoils perversity of individual office-holders. Were the offices all filled with saints, each bent upon doing his best for the taxpayers, efficient government would still be out of the question under such conditions as prevail in Chicago. There is too much diffusion of authority and lack of responsibility. Chicago has, not one local government, but many overlapping local governments independent of one another. There are the county, the city, the sanitary district, and numerous park boards. The school board, the library board, and the tuberculosis sanitarium are quasi-independent. The members of these boards are appointed by the mayor but there is a separate tax levy for each body. All told, there are twenty-two distinct governing agencies exercising authority within

the city of Chicago, although not all of them are overlapping in the sense that each covers the entire city. These various governing agencies are without central control.

During a cycle of years, each male elector in Chicago is expected to vote for 144 different public officials—national, state and local. This number includes the President and vice-president of the United States but not the presidential electors. Elective county officials constitute 65 of this long list of public officials for whom each elector may vote. Of course these officials are not all chosen at one time. However, at the election of November, 1912, each male elector in Chicago was expected to vote for 57 different public officials—5 national, 14 state, 20 county, 3 sanitary district, and 15 municipal court judges. This means an inordinately long ballot.

As a result of its detailed studies of particular offices, the bureau soon became convinced that much more is needed than improvement in management of the offices as they now exist. The great need is for fundamental reorganization along the lines of unity, simplicity, and the short ballot.

In January, 1917, the bureau issued a report entitled "Unification of Local Government in Chicago," which urged the consolidation into one governing body of all local governing agencies within the territory comprising Chicago. This would mean a merger with the city government of the county, the sanitary district, the park boards, and all other local governing agencies not only within the city of Chicago as now constituted, but within the urban area comprising what may be called metropolitan Chicago. The idea is that outlying suburbs, like Evanston and Oak Park, should become a part of Chicago. The portion of Cook County outside of this metropolitan area would be added to adjoining counties. It is a feature of the plan that the great number of administrative officials now chosen by popular election should be made appointive, thus shortening the ballot and centralizing responsibility.

In addition to recommending unity and the short ballot, it was suggested that the new unified municipality should have a simple plan of government with authority and responsibility cen-

tralized. The specific recommendation was for a modified form of the city manager plan of government, that is one in which administrative and legislative powers should be centralized in a local legislative body, that body to administer through an executive agent of its own choosing, rather than to have a mayor with independent status elected by popular vote. The recommendation was for a council for the new unified municipality of 35 members, one from a ward, chosen for four year terms, subject to recall, the elections to be nonpartisan, and the council to choose the mayor or manager.

To carry out this plan of comprehensive unification and to transfer to the appointive list many offices now elective would require extensive changes in the constitution of the state of Illinois. Therefore, the bureau joined in urging the legislature of Illinois to submit to the people the question of calling a convention to revise the constitution. If that proposition is carried and if a convention shall be called, it is hoped that provisions of the existing constitution that interfere with putting into effect this plan for unification of local governments in Chicago will be removed.

The program of the Chicago Bureau of Public Efficiency for the reorganization of local governments in Chicago is two-fold in nature. There is the ultimate program, to which I have just directed attention. There is also the immediate program embodied in a report made public in October last entitled "The City Manager for Chicago." This report carries the draft of a bill for the reorganization of the municipal government of the city of Chicago along city manager lines. It provides, among other things, for the election of the mayor or manager by the city council, and the nonpartisan election of aldermen; it fixes the number of aldermen at 35, one from each ward, and extends the term of aldermen to four years, subject to popular recall. This bill applies only to the city of Chicago and can be put into effect without awaiting modification of the state constitution.

The Bureau is asking Governor Lowden, in case he convenes the legislature in special session, to include this matter in the call. If the legislature should pass this bill at the special session,

it could be voted upon by the people of Chicago in November, 1918, and could be put into operation in April, 1919, thus doing away with the popular election at that time of a mayor to serve for a four year term.

Mere forms of government do not guarantee better administration than the people desire. However, forms of government are of great importance. Clumsy governmental machinery operates to prevent the people from getting as good government as they really desire. The trouble is that under our system of division of power and checks and balances the people find it very difficult indeed to make their will effective in government.

The Chicago Bureau of Public Efficiency believes that much better results could be secured if provision should be made for a simple, businesslike plan of government for the city. The city manager plan is of that type. Under it the people would exercise all their political power over the government through the city council. Power would not be dissipated through division among different delegated agencies. When the mayor as well as the aldermen are chosen by popular vote, it is difficult, if not impossible, to place responsibility. Whenever anything goes wrong the mayor says that his skirts are clear but that the council is at fault. The aldermen, on the other hand, say that the blame rests with the mayor. The people get very little satisfaction from this process known as "passing the buck."

Most well-managed organizations the world over—both governmental and business—avoid the plan of divided responsibility. The cities of Europe do not have independent executives chosen by popular vote. The people choose the local legislative body and that body assumes responsibility for administration as well as for legislation, exercising its administrative powers through executive agents chosen by it and responsible to it. American business corporations, American colleges and universities, and other organizations noted for their efficiency operate on substantially the same plan. The delegated power is all vested in a board of directors, that board assuming responsibility for administration through executive agents of its own choosing.

The city manager plan of government, with nonpartisan elections, is urged as the best type of government for American cities, large as well as small. For large cities, a commission of five would be too small, and election at large might be unwise. Selection of the mayor or manager by the council is the essence of the manager plan.

## THE SANITARY DISTRICT LAW

JAMES S. BALDWIN  
*Decatur, Illinois*

Prior to July 1, 1917, when the new Civil Administrative Code, sponsored by the governor and passed by the legislature at its last session, went into effect, there was a commission consisting of three members which by authority of the State of Illinois had the power to enter an order requiring a city, also a creature of the legislature, to do an impossible thing. Out of the exigencies of that situation the Sanitary District and Sewage Disposal Law was born.

To give a concrete illustration of what has just been said, I will cite the following stated facts:

The city of Decatur is a growing progressive city of 40,000 inhabitants. It has an assessed valuation of property, as equalized by the state board, of approximately nine and a half millions of dollars. Under the constitution of this state it could therefore bond itself for not to exceed five per cent of that assessed value, or \$475,000. As all growing cities, Decatur had already issued bonds prior to 1913-14 and there was outstanding against said previous issues approximately \$275,000, leaving a margin of approximately \$200,000 between what had already been issued and what could be lawfully issued under the constitution.

Some farmers living below the city of Decatur filed a petition with the aforesaid commission, asking that this city be required to abate a nuisance in a stream adjacent thereto, called the Sangamon River, because of the pollution of said stream by the depositing of the city sewage therein. The case was heard before the commission and this commission entered an order after hearing the case, requiring the city to treat its sewage to an extent that it would not be detrimental to fish life, before it deposited the same into the stream; and that this should be done and the plant in complete operation by January 1, 1917.

It is to be noted in passing that the city was to treat the

sewage to the extent that it would not be inimical to fish life, and thereby and thereon hangs the jurisdiction of the commission to compel the city to do this thing, that is for the preservation of fish.

Immediately upon the entry of the order the city engaged the services of a most distinguished sanitary engineer, one who is engaged with the sanitary district of Chicago. It also availed itself of the privileges and services of Prof. Bartow of the university, and of Paul Hansen, a sanitary engineer at that time connected with the university; and as a result of the reports of these various experts there was presented to the council of the city the outline of a project that would answer the requirements of the order of the rivers and lakes commission.

Not insignificant in connection with this outline was the estimate of the cost, and therein lies the crux of the situation. The engineer proposed to construct and complete such a plant as has been above described for the sum of approximately \$900,000.

Decatur is so situated that the entire city discharges its sewage in the same stream through four different outlets (the eastern and western outlets, which are the extremes, being not more than one mile apart) and practically the entire area of the city is tributary to such outlets. Thus it is a general or city-wide problem, and in no sense a special or local improvement, which at once, to those familiar with the distinction between a general improvement and a local improvement, precluded the possibility of successfully prosecuting a special assessment to construct this project. It therefore of necessity must be constructed, if at all, by a general tax.

From the figures given above as to the margin of bond-issuing capacity, to wit \$200,000, it is of course apparent to you that Decatur could not construct the plant as designed,—which it was required to do by the order of the rivers and lakes commission.

Something had to be done—and in looking the field over we saw that other cities were in a similar plight—and without respect to the capacity of cities to undertake and successfully complete these projects, the rivers and lakes commission had right and left



entered orders requiring them to perform and do impossible things.

A conference was had between city officials of various cities which resulted in very little being done. At last the corporation counsel of Bloomington and myself succeeded in drafting a bill which we believed would permit the construction of sewage disposal plants that would meet the requirements of the rivers and lakes commission, and do it by a system of general taxation.

Copies of this bill were sent to various cities with directions to hand same to their various representatives in the legislature and urge the support of it by them. As a result, several bills were introduced in both houses and upon an inspection of them it was found that they were identical. Consequently, those of us who were most interested got behind what was called the "McCullough Bill." This was introduced in the senate by Senator McCullough of Decatur, and with very little difficulty it was advanced through the senate. When it reached the house, it met with the same general opposition that all increasing tax bills had to contend with; but when it was pointed out to the opponents of all legislation of this character that the bill contained a referendum, and the need of such legislation being shown to be imperative, with some changes the bill was finally agreed to and passed. The bill became a law and is now known as "An Act to create sanitary districts and to provide for sewage disposal, approved June 22, 1917," and is found on pages 396-404 inclusive of the *Session Laws of 1917*.

Section 1 of this bill provides in substance that any contiguous territory containing one or more cities, or parts thereof, that shall be so situated that the construction and maintenance of a plant or plants for the purification and treatment of sewage and the maintenance of a common outlet shall conduce to preservation of public health, said territory may be organized into a sanitary district in the manner following:

One hundred voters resident within the limits of the proposed district shall petition the county judge to cause the question to be submitted to the voters of the proposed district whether it shall be organized as a sanitary district under this act, and the petition

shall contain a definite description of the boundaries of the territory to be embraced and the name of the proposed district, provided that no territory shall be included which is not situated within the limits of the city or within three miles outside thereof. Upon filing such petition in the office of the county clerk, it shall be the duty of the county judge to call to his assistance two judges of the circuit court embracing such proposed district. Said county judge and circuit judges shall constitute a board of commissioners, which shall have power to consider the boundaries of the district, whether the same shall be as described in the petition or otherwise; and the decision of two shall be conclusive, and not subject to review in any manner, directly or indirectly. Notice shall be given by the county judge of the time and place where the commissioners will meet, by publication in a daily or weekly paper at least 20 days before the hearing. At the hearing the county judge shall preside and all persons interested in the district shall have an opportunity to be heard touching the location and boundaries of the district, and the commissioners shall fix and determine the limits and may alter and amend the petition.

After such determination, the same shall be incorporated into an order, which shall be spread upon the records of the county court. Upon entering this order, the county judge shall submit to the legal voters of the district the question of the organization and establishment of the proposed district, at an election to be held within 60 days after the entry of the order, notice of which election shall be given at least 20 days prior thereto by publication in a daily paper, or by posting, where there is no daily or weekly paper. The form of the ballot is prescribed in the act and the ballots so cast shall be received, returned and canvassed in the same manner and by the same officers as is provided by law in the case of ballots cast for county officers; and the county judge shall cause a statement of the result to be spread upon the records of the court.

If I were re-writing this, I should provide that the county judge shall appoint judges and clerks in as many districts as he sees fit, and thus save considerable expense. It cost Decatur

about \$1300 to hold this election and scarcely 2100 people voted thereat.

Section 2 provides that all courts shall take judicial notice of the existence of the district.

Section 3 provides that a board of three trustees for the government of the affairs of the district shall be created as follows: The county judge shall within 20 days after the adoption of the act appoint three trustees, who shall hold their offices respectively for one, two and three years from the first Monday of May next after their appointment; and then annually the county judge shall appoint one trustee, whose term shall be for three years. Each trustee is required to give a bond in such sum as the judge may determine. A majority of the board shall constitute a quorum and neither a trustee nor any employee shall be directly or indirectly interested in any contract work or business of the district.

Section 4 provides that the trustees shall be the constituted corporate authorities of the district, and that immediately after their appointment they shall elect one of their number as president and one of their number as clerk, and shall have a right to appoint a treasurer, engineer and attorney, who are required to give bond. It restricts the salary of the members of the board to \$100 per year, and gives the board power to pass all necessary ordinances, rules and regulations for the proper management of the business.

Section 5 provides that all ordinances imposing a penalty or making appropriations shall within 30 days after they are passed be published; and no such ordinance shall take effect until 10 days after publication.

Section 6 provides that ordinances, orders and resolutions may be proven by the certificate of the clerk under the seal of the corporation and that such certificates and pamphlets containing such publications shall be received as evidence.

Section 7 provides that the trustees shall have power to provide for the disposal of sewage and may construct and maintain conduits, pipes, etc., for this purpose. They shall also have the right to treat and purify such sewage so that the sewage will not injuriously contaminate the waters thereof; but they cannot

operate a system of water works. (I may add parenthetically that if it is desired to impound water for dilution purposes and it incidentally furnishes a source of water supply for the city, it would seem to me no harm would be done or statute contravened.)

Section 8 provides that the district may acquire by purchase, condemnation or otherwise all real or personal property that they may need for corporate purposes; and if they cannot agree upon the property to be purchased, they shall have the right to condemn under the Ditch and Levee Act of 1879, and that the compensation to be paid therefor may be in a gross sum or in the form of an annual rental.

Section 9 provides that the corporation may borrow money for corporate purposes, but not to exceed five per centum valuation of the taxable property.

When bonds are desired to be issued, they shall order an election upon the question, notices of which, stating the amount of the bonds and the polling places at which the election shall be held, shall be given at least 20 days prior to the election. Such election notices shall be posted and published, if there is a paper in the district. The trustees shall appoint the judges and clerks and shall canvass the returns. The bonds to be issued hereunder shall mature in not exceeding 20 annual installments. The form of the ballot is set forth in the act.

Section 10 provides that at the time of or before incurring any indebtedness, the board shall provide for the collection of a direct annual tax sufficient to pay the interest on such date as it falls due, and also to pay and discharge the principal, as the same falls due, in at least 20 years.

Section 11 provides that all contracts for the work done by the district which exceed \$500 shall be let to the lowest bidder upon 30 days notice by publication in the newspapers; and that in all other respects relative to such contracts they shall follow the Local Improvement Act relating thereto.

Section 12 provides that the trustees may levy not to exceed one-half of one per cent per annum for corporate purposes; and if they will submit the question to the legal voters, an additional tax for a like sum may also be levied; and the act requires that

the amount sought to be raised shall be certified to the county clerk as is usual in such cases. Such taxes shall be levied, certified and collected in the same manner as other taxes. The treasurer shall, when depositing money in the bank, require the payment of interest for such deposits; and it also provides that the taxes provided for herein shall not be scaled.

Section 13 gives authority to the district to construct their sewers, channels, etc., along highways, or under highways or streets, but not so as to discommode the public or interfere with the rights of the state or of the federal government.

Section 14 provides that where the district contains military posts, reservations or stations, they may enter into contracts or agreements with the war department, permitting them to connect with the pipe or conduit.

Section 15 provides that when the making of any improvement shall take or damage private property, the district may condemn it and acquire possession of it in the same manner as is provided in the Eminent Domain Act.

Section 16 provides that when in the making of any improvements it is necessary to enter upon and take drains, sewers or other plants or other public property, the board of trustees shall have the power to do so and may acquire the necessary right in the same manner as is provided for acquiring private property, provided that the public use shall not be unnecessarily interfered with.

Section 17 provides that they may allow persons or districts outside of their limits to drain into any channel or drain made by it upon such terms and conditions as may be agreed upon.

Section 18 provides that the trustees shall have power and authority to prevent the pollution of waters from which a water supply may be obtained by any city within the district, and shall have the power to appoint and support a sufficient police force for that purpose, and exercise police powers for this purpose over the territory within the district and over the waters from which such water supply is obtained for a distance of three miles from the shore, or from the source of said water supply, provided

that before compelling a change in any method of disposal of sewage so as to prevent the pollution of the water, the board of trustees of the district shall have first provided means to prevent the pollution of said water from sewage originating from their own sanitary district.

This in brief is the substance of the law ; and it is hoped that by reason of this act cities, availing themselves of the privileges thereof, may, by proper legal methods, be enabled to clean up and take care of their wastes to the end that their neighbor's property may not be the dumping ground of their refuse.

This law, in effect, creates another taxing body over the same territory as is contained within the city ; and, owing to constitutional restrictions limiting bond issues of municipalities, this method is the only way in which areas of territory such as are described in the act may get relief.

It is with considerable pride I say that my own city of Decatur, or rather Decatur township (which is somewhat larger than the city of Decatur), has organized itself into a sanitary district ; and commissioners have been appointed and are now devoting their attention to a proper solution of the problem confronting them there. Decatur has a starch works in its midst, and to that extent has a peculiar problem, perhaps not equaled by any other city in the state.

The county judge very happily named as one of the members of the board of trustees of the district the mayor of the council of the city. Thus, the district and the city council have a common member and are therefore kept in close touch with the work of each body.

In Decatur the question of water supply is very intimately related to the question of sewage disposal ; and at a joint conference held just recently between the members of the sanitary district and the members of the city council it was unanimously decided that the city council should proceed with the impounding of water for the purpose of furnishing an adequate water supply for the city, and the sanitary district should proceed with the solution of the problem of sewage disposal and the completing

of an interceptor and treatment station therefor; and, as a portion of the plan for the treatment of sewage included the impounding of water for dilution purposes, it was agreed that the city and the district should enter into a contract whereby the district would contribute a definite amount of money to the city as an annual rental, or gross sum of payment for excess water impounded, the same to be used for dilution of sewage after the primary treatment.

It is hoped this solution of the problem will obviate the necessity of installing sprinkler filters or sand filtration beds—to construct which it is estimated would cost some \$200,000.

Those who have been connected with drawing the bill have made more or less investigation as to its validity, and from this investigation are of the opinion that the law is a valid enactment and will be sustained, should its constitutionality or validity as a whole be questioned.

## ATMOSPHERIC SANITATION

PROFESSOR C. S. SALE

*University of Illinois*

"Atmospheric Sanitation," the title given this discussion on the program, is used to designate a subject which most of us commonly refer to as smoke abatement. The title has not been used to confuse or perplex, but rather to make clear at the outset that the problem of purifying the air of our cities involves much more than the abatement of smoke. Smoke is only one of several sources of atmospheric pollution, although it is the most important single source.

In every city where the activities of industrial and community life proceed upon any considerable scale, the atmosphere becomes saturated with foreign matter which constitutes a variety of impurities. The presence of these impurities is damaging to property, injurious to health, harmful to vegetable life and altogether undesirable in times when cities are beginning to take pride in their cleanliness and beauty.

The need for better and cleaner air in our cities is apparent to all. Even the smaller cities and towns are suffering from the effects of air pollution. City officials have given attention to it and in many cases ordinances have been passed prohibiting the discharge of smoke into the air. Many such ordinances are in effect today, and they are generally being enforced with admirable skill and good judgment.

But so far nearly all legislation having for its purpose the purification of the atmosphere has been directed against smoke. Little serious attention has been paid to other sources of atmospheric pollution such as street dust, building dust, rubbish heaps and others, examples of which will be shown. There is, however, a marked distinction between the methods which may be successfully employed to abate smoke and those which will serve to eliminate other sources of pollution. The problem of smoke abatement is both an engineering and an educational problem; that of



dealing with other sources of atmospheric pollution is a problem in municipal housekeeping.

Smoke abatement at present is a matter possessing all the importance which has heretofore been normally attached to it plus the advantage of serving as a direct means of conserving fuel. It therefore has its old aspects as a municipal problem and in addition its newer aspects as a national problem. As a means in fuel conservation, I do not place emphasis upon the possible recovery and utilization of heat units which may be contained in the smoky discharges from chimneys and stacks, but point rather to the obvious fact that the process of bringing about the abatement of smoke does and, to be successful, must involve a better understanding, on the part of firemen, owners, or operators of fuel consuming plants, of the principles of good fire-room practice. And better fire-room practice means fuel economy.

In dealing with the smoke nuisance it has usually been the custom to consider only the visible aspects of smoke. Ordinances therefore have sought to prohibit the emission into the air of "dense" smoke, "black" smoke, "dark" smoke, "dense gray" smoke, "thick gray" smoke, etc. The prohibition of noxious gases and offensive odors is included in the case of a few ordinances, but no satisfactory definition of these is given. Of all smoke abatement ordinances of the present time it may be said, therefore, that while the general purposes sought are evident enough, the definite basis upon which they may be enforced is lacking. Dense gray smoke to one inspector or observer may be classed as light gray smoke by another. Furthermore, smoke abatement ordinances have generally been merely prohibitory in their terms. But those to whom has fallen the task of administering the law have found that a mere order to "stop making smoke" does not get results. Smoke inspectors found that there were only two ways to prevent smoke; either put out the fires or educate plant owners and firemen in the design, installation and operation of fuel consuming plants. The problem became at once an engineering problem and an educational problem. It was found that to abate smoke changes often had to be made in boilers

and always in operating methods and conditions. Individual plants had to be studied and individual instruction given.

The present situation in the fuel market is such that practically the only fuel available for use in Illinois is bituminous coal. It must be accepted and used for residences and apartment buildings as well as for industrial purposes. This condition still further complicates the smoke problem, because house heaters which burn pocahontas or anthracite satisfactorily generally require much greater care and more frequent attention when bituminous coal is used. Without undertaking a detailed discussion of furnaces and heaters, and their operation, it may be said that smokeless combustion of bituminous coal, and its economical use, involves compliance with certain definite principles:

1. The fresh coal should be introduced into the fire-box at such a point and distributed in such manner that the combustible gases distilled from it will be required to pass over incandescent portions of the fire or over surfaces which are maintained at a high temperature. Observance of this principle promotes the ignition and combustion of the distillates.
2. The steam of gases arising from the fresh fuel must be heated quickly and must be kept at a high temperature until the process of combustion is well advanced. The use of a fire-brick arch, under which the distillates may be burned, is an aid in securing this condition.
3. An ample supply of air, under proper control, should be available to aid the combustion of the gases which arise from bituminous coal.
4. The proportions of the furnace and the fire-box should be such as to provide an ample flame-way. This condition is necessary in order to allow sufficient time for the burning of the gases. The length of flame-way in many types of furnaces may be increased by the use of baffle walls or arches.

The engineering experiment station of the University of Illinois has recently issued a circular, designed to meet the needs of the layman rather than the engineer, which sets forth certain fundamental principles involved in the economical operation of house heaters. Abstracts of this prepared for the state council

of defense are available. The station also has in preparation circulars dealing with small power plants and with steam locomotives. The bureau of mines and the United States fuel administration at Washington are reported to be developing some information for the public on these and allied subjects. The object of all of these is to promote economy in the use of fuel, but one of the coordinate benefits should undoubtedly be seen in the production of less smoke.

With reference to the broader phases of atmospheric pollution, in which every city official is interested, it should be recognized that:

1. Smoke has three distinct characteristics to each of which a suitable standard of measure may be applied. These are:

- (a) visible properties
- (b) solid particles
- (c) gaseous products.

2. Smoke is responsible for only approximately two-thirds of the pollution in the air, the remaining one-third having its origin in sources the disposition of which is a relatively simple and inexpensive matter.

By "visible properties" of smoke are meant those properties which impart visibility to it or make it apparent to the eye. Public interest has been centered in this aspect of smoke, and it has been assumed that a chimney which did not give forth a discharge visible to the eye, was not a source of atmospheric pollution. This assumption is not borne out by the facts. Tests have shown that stationary plants discharging through the smoke stack as much as two per cent of the fuel fired, may appear smokeless to the eye. On the other hand it has been shown that stacks recording a smoke discharge of high visible density may be emitting in the form of solid particles only a small fraction of one per cent of the fuel fired. Thus there is apparently no relationship between these two aspects of smoke. Both are objectionable. Visible smoke is offensive to the eye and solid particles or dust from smoke stacks is injurious to property, to vegetation and to animal life. In densely populated cities the discharge of

solid particles amounts to about 600 tons per square mile per annum: even in cities of moderate size the deposit is as much as 300 or 400 tons per square mile per annum.

In determining the extent of the smoke nuisance created by any fuel consuming plant or the amount of smoke emitted from the smoke stack, the relation between the amount of fuel fired and the discharges through the stack is studied. Discharges may be rated according to the Ringelmann method (visible smoke) or they may be analyzed to determine their physical and chemical properties by means of filtering and sampling apparatus designed for the purpose. The correction of the smoke nuisance is very largely a matter of improving the practice in each individual plant. While the plant owner should be made responsible, the city official should not fail to give proper advice based upon a knowledge of conditions.

While the abatement of smoke is a problem involving expense, study and the constant attention of a competent engineer, there is much that city officials may do to help purify the atmosphere by merely seeing that municipal housekeeping is well done. More than a third of all the dust and dirt in the atmosphere of the average city has its origin in poorly cleaned streets, in the careless handling of materials in transit, in street construction, in unimproved streets and alleys, in building operations, in neglected backyards and roofs, in rubbish heaps, and in vacant lots.

- Slide 1. Coal fields of Illinois
- Slide 2. Coal by services
- Slide 3. Coal by areas
- Slide 4. Coal by varieties
- Slide 5. Typical City block
- Slide 6. Rain gauge
- Slide 7. Ringelmann Scale
- Slide 8. Visible smoke chart
- Slide 9. Smoke sampling apparatus.
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- Slide 13. Amount of solids emitted
- Slide 14. Solids by services
- Slide 15. Chemical composition of solids
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- Slide 19. Mercury seal and filter case for air and tests
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- Slide 25. Sources of Pollution—excavated material
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- Slide 35. Sources of Pollution—materials in transit
- Slide 36. Sources of Pollution—rubbish heaps
- Slide 37. Sources of Pollution—vacant lot
- Slide 38. Sources of Pollution—roof accumulations
- Slide 39. Sources of Pollution—roof activities

This brief survey of the problem of atmospheric sanitation does not of course touch all aspects of it, nor concern itself with details of procedure. It is a problem which all cities sooner or later must face and solve, and I think it is obvious that it is one for the engineer or for the city official who is trained in a knowledge of the details involved. It is a job in which it will pay to do right.

## MUNICIPAL WASTE DISPOSAL BY CREMATION

JAMES ELMO SMITH

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The two problems, refuse collection and refuse disposal, are so intimately related that it is not easy to discuss one without involving the other, but an effort will be made to consider only the methods of disposing of city wastes and more particularly the method known as cremation, incineration, or destruction, that is, disposal by burning or rapid oxidation.

The terms crematory, incinerator and destructor are commonly used loosely and interchangeably, but among manufacturers and engineers or technical men they usually are assigned distinct meanings. The word furnace is a general term covering all types. Crematory may also apply to all furnaces but is frequently applied, as is the term incinerator, only to low temperature furnaces. The term destructor is almost universally applied to furnaces producing high temperatures. Another classification which is frequently made is by the country where developed, as English type and American type. The incinerator or low temperature furnace is often spoken of as the American type and the destructor or high temperature furnace as the English type. Low temperature is considered as being below 1200° F.; high temperature applies to temperatures above 1200° F.

Burning or cremation suggests itself at once as the most effective and sanitary method conceivable for the complete disposal of the waste or refuse of cities. The higher the temperature the more rapid and complete will be the oxidation and more thorough will be the destruction. Crude furnaces or ovens as are frequently seen in our alleys back of the stores in the business district, consisting of brick walls arched over or covered with a piece of sheet iron, or a section of a boiler stack in which papers, excelsior, boxes and other rubbish are burned have been in use for years, and perhaps centuries, but the high temperature furnace is a comparatively modern invention. The combustion in

the former is incomplete and results in an emission of smoke and odor to a very objectionable degree, and, further, only refuse readily combustible may be disposed of in such a furnace. The modern destructor is no respecter of refuse and consumes garbage and rubbish alike. Incidentally, the development of destructors has in some instances been carried to such an extreme that they become self-destructive, and care must be exercised in their operation to prevent excessive temperature which will unduly shorten the life of the furnaces.

In England, where the population is denser than in this country and municipal sanitation problems more acute, it was earlier recognized that disposal of waste in a sanitary manner bears a very close relation to the public health, and we find there the greatest development in crematories. Cremation or complete destruction of all refuse is the English practice. The leanness of the garbage in England and on the continent does not justify the installation of reduction plants, the percentage of grease in the garbage of England, even before the present war, was less than 2 per cent, as compared with 3 to  $3\frac{1}{2}$  per cent in the United States. The combined system of collecting refuse, and charging garbage, rubbish and even ashes into the destructor at the same time is also characteristic of English practice. The fact that ashes in that country contained as much as 25 per cent coal and other combustible material made it possible to burn the mixed refuse, even in the earlier natural draft furnaces. But because of the large percentage of ashes in the refuse and the larger percentage of water in garbage the results were not satisfactory unless considerable additional fuel was added amounting to 200 pounds or more per ton of refuse burned.

The first English crematory for burning mixed refuse was designed by an engineer, Alfred Fryer, in 1874, and built in Manchester in 1876. It was constructed on correct principles but was of the low temperature type having natural draft and did not eliminate the objectionable features of smoke and obnoxious odors. It was in actual service over thirty years, however, despite many prejudices it had to withstand during the early years of its

existence, and served its purpose as a sanitary device for waste disposal.

In 1887 Horsfall developed the first successful high temperature furnace in England. Since that date destructors have been used almost to the exclusion of the low temperature furnaces, and many designs have been built varying mostly in details of construction.

Up to 1884 or 1885 little was known in the United States about the disposal of garbage and other offensive waste by cremation, and in spite of English precedent this country passed through the same stages in development of furnaces but ten to twenty years behind, and not until very recent years have we begun to realize the advantage of the destructor over the incinerator, or if we have realized the advantage we have been too loathe to part with our money for justifiable expenditure, for in general the first cost of a destructor is about 50 per cent more than for an incinerator of the same capacity.

The first garbage incinerator to be constructed in the U. S. was in 1885 at Governor's Island by Lieut. H. J. Reilly and was patterned after the Fryer furnace. Lieut. Reilly in reporting upon it says in part: "An experimental one, which gave excellent results, was first tried by obtaining an old brick oven so as to get something similar to 'Fryer's Destructor.'

"The one now in use consists essentially of a chamber 4x5x3 feet, lined with fire brick and divided into three spaces by two gratings, composed of  $\frac{3}{4}$  inch round iron bars, with inch openings between them, and the necessary doors, grate bars (surface 6 square feet), and ashpit. The gratings are for the purpose of supporting the garbage, so the heat can get through and dry it and to prevent it from stopping the draft or putting out the fire.

"The operation was commenced by making a coal fire and putting the garbage on the right side to dry; the next day's garbage was put in on the left side and the dry garbage was raked over the fire. By putting garbage in on the left and right sides alternately, dry garbage is supplied and the fire kept constantly burning."



A multitude of furnaces have been invented and constructed in the U. S. since 1885 which have had more or less merit but most of them have been incinerators, and probably not more than half a dozen designs have lived through the tests and eccentric conditions to which they have been subjected. Many were built cheaply for profit only and became worthless in from one to ten years; while others, though correctly designed and well built, were chosen and installed blindly by the municipality, with little or no consideration as to their adaptability or the conditions under which they were to operate, and were blacklisted and their manufacture discontinued as a consequence.

The first cost of incinerators was comparatively low so they were adopted by the smaller cities without thorough investigation of the economy of operation. It is typical of American practice to separate refuse when collected, handling the garbage separately from rubbish and ashes. Ashes are seldom if ever run through a furnace in this country as it is not considered that their fuel value in the incinerator will compensate for the additional cost of handling and hauling away from the incinerator. Thus the garbage must be mixed with considerable rubbish, street sweepings or other combustible material if an incinerator is used, or coal in considerable quantities must be added. The cost of added fuel and large depreciation may combine to make the incinerator a poor financial investment.

The development of furnaces involved many difficult details. The proper design which will destroy garbage with a minimum of expense and offensiveness must give consideration to the relation between grate openings and kind of fuel used, the proper ratio between grate area and size of combustion chamber, depth and kind of fuel and the amount of air draft necessary for highest temperature. The gases must be perfectly burned through proper regulation of the air supply. Too much air cooks the furnace while too small an amount permits undesirable odors. The temperature theoretically required to oxidize hydrocarbons and thus prevent odors is 1200° F., but, practically, a minimum of 1400° to 1500° F. should be attained to insure their elimination. Feed doors, stocking door, clinker doors, etc. must be given considera-

tion as to size, location, facilities for opening so as not unduly to lower the temperature of the furnace while they are being used.

Grate design also offers perplexing problems. Cast iron grates burn out and warp and require frequent renewals; fire clay grates are also used, but they are expensive when so constructed as to sustain the loads thrown upon them and are also short-lived and difficult to repair. Steam heated tubes soon spring leaks and burn out. Hollow, air-heated cast iron grates are used with considerable success. All forms of grates, however, are short-lived and must be so constructed as to admit of easy renewal. The position of the grate is also important. A characteristic difference between English and American furnaces in this regard was that the English used inclined grates of small area, while the American grates were level and of greater area. The English design is the better as it facilitates combustion and decreases the labor of stoking, since the garbage slides down the grate as it dries out and burns. On the large, level grate a considerable quantity of freshly dumped garbage will prevent access of air and smother the fire unless much stoking is done.

Many devices have been added to the simple combustion furnace all of which may have some important function under certain conditions. Twin or multiple grates and continuous grates may be noted. Also automatic stokers, mechanical devices for removing clinkers, dust catchers, steam producers, jet steam blowers, multiple cells, forced air draft machinery, air preheaters, etc., etc.

Since garbage contains a large percentage of water, 70 per cent to 90 per cent, it must be dried before combustion can take place. The drying process within the furnace is that which generates the odors and unless the temperature can be maintained well above 1200° F. there will be obnoxious odors though the destruction be sanitary. The essentials, then, in treating garbage alone is to drain the garbage itself, reheat the gases to a high temperature sufficient to oxidize them, and finally oxidize the solid matter. If garbage contains not over 25 to 40 per cent water and considerable fuel material as rubbish, it can be burned

in an incinerator without preliminary drying. A forced draft, however, is desirable and probably necessary.

From what has been said concerning the wide variations in composition of refuse, the significance in methods of collection, etc., it will be understood that any one type of furnace is not likely to be universally adaptable. One authority, Venable, makes five classifications, although more might be made. They will be discussed only briefly.

1. The earlier types, in which the refuse was burned upon a single grate without preliminary drying, it being necessary to have the garbage mixed with considerable rubbish or else add coal for complete combustion. The Parsons and the Smith are examples.

2. The refuse is burned upon one grate but dried upon another grate near by. This is typified by the continuous-grate furnace. Several grates are placed side by side all in the same combustion chamber and garbage is charged upon them alternately. The fire upon the one charged may be partly smothered temporarily but the hot fires on the neighboring grates soon dry out the garbage, stimulate combustion, and their high temperatures oxidize the low temperature gases arising from the drying garbage. The Horsfall furnace was of this general design and it is usually spoken of as the English type.

3. The refuse is deposited upon one grate but is dried and burned by the heat of a coal or fuel fire on other nearby grates. This is an American type of which the Dixon may be cited as an example.

4. The refuse is first thoroughly dried upon one grate and then stoked to another grate where it burns as fuel. This is also an American type of furnace. The Decaire is an example.

5. The refuse is burned on a grate in one chamber and the gases pass into a separate chamber where they dry the garbage. This is not used to any appreciable extent at present.

A comparison of incinerators and destructors will show the latter as having many advantages over the former. In tests of several incinerators the average temperature was only 800° and the average amount of coal consumed was 550 pounds per ton of

refuse destroyed whereas the claims set forth for the furnaces were that a minimum temperature of 1200° F. could be maintained with 200 pounds of coal per ton of refuse. The results were unsatisfactory and the cost of operation high. The first cost of incinerators varies from \$200 to \$1000 per ton of refuse capacity in tons consumed per day of 24 hours. The cost of American types may be taken as averaging \$300 to \$700 per ton daily capacity. The cost of operation may vary from 50 cents to \$2.00 per ton consumed. Fuel averages 10 to 25 cents, labor 25 to 75 cents and depreciation should seldom be computed for a longer term than ten years, or less than 10 per cent.

There is no appreciable return from the incinerator as it is not well adapted to the utilization of the heat produced, and the clinker is soft and usable only as filling material.

The destructors show much better results. The average temperature is high, the figures for several plants now in operation being 1900 to 2000° F., thus insuring complete oxidation of all gases and practically eliminating smoke and objectionable odors. Ordinarily no coal is required, the high temperature being obtained through preheating the air supplied through forced draft. The first cost is somewhat higher than the cost of incinerators, averaging from \$700 to \$1300 per ton daily capacity. The rated capacity is based upon garbage consumption so that if mixed garbage and rubbish were burned the capacity would probably be increased 50 per cent.

The total cost of operation of the plant averages from \$1.50 to \$2.50 per ton of refuse burned, or somewhat more than for the incinerator. Better construction must be used to withstand the severe temperature stresses and destructors are for this reason longer-lived, and a smaller rate of depreciation may be figured. More expert care is necessary, however, in the operation of the destructor. Manufacturers frequently guarantee the cost of operating the furnace only not to exceed 40 to 60 cents per ton of refuse destroyed. There may be considerable returns from a destructor where it can be so located as to make it possible to utilize the steam developed, and through the sale or use of clinker. The low cost of operating will probably obtain only in the larger

cities, those exceeding 40,000 to 50,000, where the amount of refuse handled amounts to 15 or 20 tons per day.

Steam is produced at the rate of about 1 pound of refuse consumed. Manufacturers guarantee more than this and tests in several of the larger plants have shown averages above  $1\frac{1}{4}$  pound per pound of refuse destroyed. If the evaporation of 30 pounds of water per hour produces 1 H. P. then one ton of refuse per hour will produce 67 H. P.

The garbage itself furnishes about 10 to 20 per cent of its original weight of combustible material which is estimated to have a fuel value of about half its weight in coal. So that for every ton of garbage we have an equivalent of from 100 to 200 pounds of coal. As was stated before, it is not American practice to burn ashes even though there is 20 to 25 per cent coal in them. They constitute 60 to 80 per cent of the entire amount of refuse and the stoking and handling would require two or three times as much labor as when burning garbage only, besides producing undesirable effects in lowering the temperature of the furnace, making it difficult to supply air to the garbage and making the plant generally dusty, all of which objections will not be compensated for by the small fuel value contained in the unburned coal in the ashes.

An instructive paper by E. R. Conant, city engineer of Savannah, Georgia, presented before the American Society of Municipal Improvement, 1915, contains a good description of the cremation plant in use at Savannah, and is illustrative of the English type of destructor. Following is an abstract from that article:

Savannah has a population of 80,000, 40 per cent black, 60 per cent white, and 48 miles of streets and alleys. A plant of 130 tons capacity was installed in 1913, the destructor consisting of two 65 ton furnaces of the Heenan type. Each unit consists of four cells each about 28 inches wide at the bottom, 34 inches wide at the top, 16 inches deep and 8 feet long. The cells have trough-shaped grates. Each unit is charged separately, having separate combustion chambers, and each has a 200 H. P. boiler, air heater, and centrifugal fan for forced air draft. There is 20 square feet of burning area over each grate and 2000 square feet heating

surface per boiler. The cost was about \$120,000 including storage pit of 260 cubic yards capacity, electric hoists, instruments for measuring conditions of furnace, engine driven generator of 75 K. W., all necessary buildings, etc.

The Destructor Company by which the plant was built guaranteed the following results:

No odors or obnoxious gases; capacity of 130 tons per 24 hours; minimum temperature of 1250° F., average temperature 1500° F.; steam generated per pound of refuse 1.3 pounds; 300 H. P. in steam for utilization above that necessary to operate the plant; cost of operation not over 40.4 cents per ton; 68 pounds of refuse burned per square foot of grate area; maintenance for five years not to exceed 1 per cent of the contract price.

The cost of operating was based upon a refuse equivalent to 45 per cent garbage, 40 per cent rubbish, 10 per cent ash or cinders and 5 per cent manure.

The actual composition during the year in question, October 1, 1914, to September 30, 1915, was 40 to 45 per cent garbage, 50 per cent rubbish, and 5 to 10 per cent ashes. The garbage increased 15 to 20 per cent in July and August during the melon season.

The amount of clinker was 20 to 30 per cent and "eminently adapted to street paving."

Statistics upon the operation of this plant follow:

Average number of tons of garbage per day .....	75.33
Average number of tons of garbage in July .....	105.00
Average number of tons of garbage in February .....	66.00
Total annual cost of operation, \$15,300; total tonnage, 26,795.	
Daily average cost of operation, \$42.50.	
Credit for steam utilized .....	\$5446.00
Credit clinker sold .....	218.00
Credit clinker used on streets .....	657.00
General repairs .....	274.00
All outlays .....	1167.00
Total cost of operating plant per ton .....	55.65
Total cost of maintenance .....	4.52

Total cost of operation and maintenance .....	\$60.17
Credit for steam .....	20.33

Net cost of operation and maintenance .....	\$39.84
Labor in tipping room .....	\$ 2.16
Cost of weighing .....	3.25
Cost of clinker removal .....	8.79

Total .....	\$14.20
Credit for clinker .....	3.36

Net cost .....	10.84
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Total cost including all above .....	\$50.68
Interest on \$127,000 at 4 per cent .....	18.47
Depreciation .....	22.18

Total cost per ton of refuse destroyed.....	\$91.33
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There are many features in disposal by cremation which highly recommend the method.

1. Germ life is absolutely destroyed and the products of the destructor are safe and not obnoxious to handle. There is no other method so effective and sanitary. The reduction method may be effective as far as it goes, but is only applicable to garbage which constitutes only about 50 per cent of the refuse to be destroyed, or combustible refuse.

2. Odors are destroyed and gases rendered harmless. Usually the odors which are noticeable about the plant are those arising from the refuse handled, stored or littered about the plant and are not a result of the method.

3. The destructor may be centrally located without becoming a nuisance if properly taken care of; and with proper landscaping may be made to possess considerable beauty.

A central location is highly economical as it provides a minimum haul in the collection of refuse, which is a very considerable item often amounting to more than the cost of disposal. Clinker

has value and may be sold and hauled away at the expense of the purchaser, or if used by the city credit should be given by the department using it.

Should no use be found for the clinker other than as a filling material there is still an advantage over other methods of disposal in that only 25 to 40 per cent of the amount hauled to the destructor must be hauled away to the fill.

4. Utilization of steam for pumping stations, heating, power plants, etc., which helps to pay the cost of operation.

5. The destructor can be operated successfully by any careful man of ordinary skill and good sense, and under proper management should last twenty years or more. There are in fact a few plants in the U. S. which have been in existence for that length of time.

6. The cost of operation is small especially when considered in the light of the immeasurable benefits accruing from a safe and sanitary disposal of disease producing refuse. It seldom amounts to more than \$2.00 per ton even when allowance is made for interest and depreciation. Estimating 200 pounds of garbage and 200 pounds of rubbish per capita or 1 ton per family per year, the expense amounts to about \$2.00 per family, an exceedingly meager premium for insuring the municipality against disease from such a fruitful source.

There are many factors upon which a successful installation and operation of a crematory will depend, all of which must be judiciously considered. The total amount of refuse must be closely estimated, as also the proportions of garbage, rubbish and ashes. Other things to be considered are: methods of collection, whether separate or combined; frequency of collections; can the crematory be operated continuously or must it be fired up often; storage of refuse to permit night operation; variations in production of refuse during the year; cost of fuel, utilization of heat, steam, clinker and ashes; location of plant; effect of plant upon surrounding territory; one large plant or two or more smaller ones as affecting haul; strict specifications under which plant



shall be constructed ; adequate tests before acceptance and guarantees on the city's requirements of performance.

It is generally agreed that cities under 10,000 to 15,000 population can dispose of their wastes more economically in some other way and that crematories are best adapted to cities from 15,000 to 75,000. It seldom pays to sort refuse in cities of less than 30,000 or 40,000 inhabitants, but may pay in larger cities. In cities of over 75,000 to 100,000 population, or where the garbage amounts to 20 to 25 tons per day it is conceded that the reduction process should be investigated. War conditions, however, are having a considerable degreasing effect upon the contents of the garbage can, and the limit of 100,000 population may need raising for a profitable reduction plant. In still larger cities it is frequently advisable to install both destructors and reduction plants depending upon methods of collection, length of haul, relative amounts of garbage, rubbish, street sweepings, etc.

In our own state we had in 1910, 31 cities over 10,000 in population, many of which would find cremation an economical method of disposal of waste and at least a much more sanitary process than they are now employing. The burial method has been strongly recommended in this state for cities from 10,000 to 40,000 as most economical, but it would seem in these days of careful living, it is of the utmost importance to conserve the public health and thereby conserve dollars ; and there is no safer course for cities to pursue than to make sure that the contents of the garbage can, the rubbish heap, and the ash pile are subjected to such heroic treatment as will render them absolutely harmless.

## STREET RAILWAY GRANTS IN ILLINOIS

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In the limited time at my disposal I shall attempt first, to indicate the timeliness of the franchise question; second, to present a general survey of existing franchise conditions in Illinois emphasizing (a) what a franchise or license is, (b) the means by which the grants are given, controlled and revoked, (c) some of the defects in the existing licenses; and finally, to set forth, in brief, a few of the provisions that should be included in the new grants in order to protect public rights to an adequate degree.

First, let us raise the question: Why should we attempt to frame a constructive franchise policy for Illinois cities? Because within a short time many cities in this state will be called upon to confer new or reaffirm old privileges in the streets to electric railway corporations. Due to changing conditions in the cities under review it is worth while to consider what old provisions should be reinserted in the new grants, what things can be omitted and what new matter must be included to obtain a workable grant. Before passing upon the problem of what shall be included in new licenses, it is necessary that we arrive at some conception of the existing situation among Illinois cities. It is necessary also to keep in mind that the problems of the fifteen cities under examination are different from the problems confronting the larger municipalities of the U. S. Therefore, our test must be: will the changes proposed herein meet conditions in these cities of Illinois?

A popular misconception of the term "franchise," as used in this state, must be removed before we can consider the general question of street railway grants. Under the interpretation of the Illinois courts a municipality cannot grant a franchise. The franchise is given by state authority and is, merely, the right of a public utility to exist. What the city grants to a street railway company is a license to occupy the streets for a certain specific

purpose; for example, to lay down tracks and operate cars thereon. Both types of privileges involve discretionary authority on the part of the public, and neither are based upon any inherent right. A very important element to be noted relating to the licenses granted by the municipalities is their contractual character. When the company accepts the license given to it by the city and complies with the terms set forth in it, the grant is a binding contract, subject only to police regulation of the public.<sup>1</sup>

Let us next examine the legal provisions found in the constitution of Illinois and in the statutes to determine the powers of the municipalities of this state. The constitution (Article 11, Section 4) provides: "No law shall be passed by the general assembly granting the right to construct and operate a street railway within any city, town or incorporated village, without requiring the consent of the local authorities having control of the streets or highways to be occupied by such railway."

By the Cities and Villages Act of 1872 the cities obtained the power, "to lay out streets, alleys and public ways;" "to alter, extend and improve the same;" "to regulate the use of the same;" "to permit, regulate or prohibit the locating, constructing, or laying the track of any horse railway in any street, alley, or public place, such not to be over twenty years."

By the Horse and Dummy Act of 1899, cities were given specifically the power to consent to the location of any street railway to be operated in the streets, provided ten days public notice of the intent to grant such a permit was given. Consent under this law was not to be for over twenty years. In 1913 the state took a new step by passing a law creating the Illinois public utility commission with extensive powers over capitalization, rates, service, extensions and earnings of all of the public utilities operating within the state. It passed also in the same year a municipal ownership law permitting cities to acquire, consume and operate public utilities. Cities may, in the event of public acquisition or construction of public utilities, lease the same to a private company, such lease not to be for a term longer than

<sup>1</sup>Blair v. U. S. 201 U. S. 400.

twenty years. All proceedings relating to municipal ownership must be approved by majority of the electors voting on the question.

The creation of a state commission with wide powers and jurisdiction in matters supposedly of local concern immediately brought about a conflict between state and municipal authority which is worth consideration at this point. The city of Chicago by the so-called "settlement" ordinances of 1907 and by a unification agreement of 1913 had entered into detailed arrangements with the various companies of the city as to rates, service, etc. These details became contracts when agreed to by both parties. It was stipulated, among other things, that the street railway companies operating in Chicago should not run "trailers." This provision was included to prevent congestion of traffic at street crossings. Upon complaint of certain parties the Illinois public utility commission made an investigation of service standards in Chicago. The commission found that to give adequate service to that city it was necessary that the companies operate "trailers." Consequently, they entered an order to that effect on September 29, 1915. The case arising out of this conflict after being decided in favor of the city in the circuit court of Cook County was appealed to the Illinois supreme court. This court reversed the decision of the lower court and upheld the authority of the state. The local consent clause, which the city contended gave them positive power over the street railways within their jurisdiction, was held to grant to the city merely negative powers. The court stated that the clause in question does not by implication or otherwise operate to divest the state of its paramount authority and control over the streets and highways. Still, the city may refuse to permit a company to lay down tracks and operate cars thereon without local consent.<sup>2</sup>

As stated above, the state laws, both in the Cities and Villages Act of 1872 and in the Horse and Dummy Act of 1899, prescribe the maximum term for which a license may be granted to be

<sup>2</sup>O'Connell v. City of Chicago 278 Ill. 591.

twenty years. Examining the licenses in question, there are seventeen which do not mention the length of the grant, and thirty-nine wherein the term is definitely stated to be more than twenty years. Twenty-seven of this latter group are granted to interurban companies operating under railroad law. Hence, those grants, even for more than twenty years, are valid. As to the other twelve which exceed this limit, it is impossible to state why they do not conform to the law.

In regard to terminating the privileges of the company ten of the cities under review have inserted clauses in the licenses designed to end the privileges of the company in the event of certain conditions; for example, failure to comply with the terms of the grant. Dr. Delos Wilcox, an authority on the subject of franchises, suggests that a forfeiture provision is likely to be futile. Victory of the city, in case the company is at all obstinate, is obtained usually after expensive and tedious litigation. In the meantime, the points at issue continue to exist during the many months that the controversy drags along in the courts. The only provision to be inserted in the license in respect to forfeiture should be a clause obligating the company to construct a specific portion of the line and operate cars thereon within a prescribed time or lose the rights granted to it in the license. Moreover, as an evidence of good faith, the company should be compelled to file a bond that it will fulfill its promises as to construction and operation within a specified time.

At this point it is well to discuss the three types of grants which may be adopted, with a view to pointing out which will serve the needs of Illinois municipalities best. They are: (1) perpetual; (2) short term; (3) indeterminate licenses.

Perpetual grants are to be condemned both in theory and in practice. In theory, they are an unwarranted bargaining away of valuable rights. In practice, they are prohibited by the statutes of Illinois heretofore mentioned, which forbid such licenses to be for terms longer than twenty years.

Short term grants (twenty years) are advantageous in that the city must make the time limit sufficiently long to permit the company to establish itself on a paying basis. They are advan-

tageous also as a means of attracting capital. One criticism of the grants in question is that service standards and rates are changing continually. Therefore, the city should have an opportunity at short intervals of time to revise the licenses to meet new conditions. It should be urged that a clause be inserted in a short time grant that at least once in five years the revisions of service standards and rates be permitted.

The indeterminate grant is a new method that has been followed in some states. Under this form of a license the company keeps its privileges as long as it conforms to the demands of the public. In my opinion, this type of grant is feasible. I realize that it is urged that, in practice, such a grant is a perpetual one. On the other hand, it is agreed that the operation of the street railways in these cities is essential to thousands of people daily. Authorities are agreed also that this type of utility is monopolistic in character. Therefore, competition is impracticable. If, in practice, the street railway must continue to operate, why not recognize this fact, and adopt a plan that will operate continually to produce the desired results? The great difficulty to be met is that the indeterminate grant presupposes that the cities have the power to acquire the plant when the company does not comply with the terms of the license. At present, the constitutional debt limit of these cities will not permit them to take over the street railways. However, to make the municipal ownership law of 1913 effective, the debt limit of these cities must be raised. The problem in these cities is complicated also by the jurisdiction of the state commission. Would it be preferable, as in Massachusetts, to permit the state commission to control all matters connected with the problem of compelling the companies to maintain their agreements?

The licenses on the whole, especially the more recent licenses, have gone into great detail in the matter relating to construction and maintenance. I question whether the insertion of such details in the license is essential. For example, is it necessary to state in the ordinance that the bricks used in paving shall be of such and such a character, or a thermometer shall be placed upon the car where passengers can see that the temperature registered

is correct? It would be better to give some local body or official control over many of these matters. Thus, the street commissioner should be the officer to see that the tracks on the right-of-way are maintained up to standard.

In turning to the problems connected with the operation of the cars, we are confronted with the most vital aspect of public control of transportation agencies. Some authorities urge that when the people get good service at reasonable rates the most important points are gained. It is urged, moreover, that all forms of special compensation to the city should be foregone if the public can be assured in the matters of service and rates that it will get proper treatment. Again, in connection with service, is it possible to state in a license that a company shall run on a fifteen-minute schedule? We may insert in the grants very excellent provisions as to service, but what security do we gain thereby that these provisions will be observed? It is essential, particularly on the point of service, to have some local authority to secure to the public necessary provisions. The city should have, as seven cities at present do have at all times, the power to meet changing conditions within its jurisdiction. For example, to prescribe the joint use of tracks and poles to avoid congested conditions in the heart of the city.

One of the most conspicuous defects of the grants examined has to do with extensions. Less than one-fifth of the 144 licenses under review mention extensions. None of the cities have attempted to frame provisions with respect to extensions which will tend to develop the city in a uniform manner. The existing licenses contain nothing but extensions from street to street. Undoubtedly the companies follow the business much more slowly than public convenience deems adequate, because such new lines do not "pay" for several years. However, good street car service to all portions of the city is the most important element in the growth and uniform development of any urban community. Under the latter condition people living in the congested parts of the city are tempted to move to the suburbs because they are assured of good transportation facilities. This results in a betterment of community conditions in two ways. First, it prevents conges-

tion in the center of the city and second, it develops home building, etc. in the outlying parts of the city. It seems important that the city have power to initiate proceedings for needed extensions. Since the public utility commission also has jurisdiction, this latter body would have to be made a court of appeals to settle controversies concerning which the municipality and the company could not themselves reach an agreement. As an aid to the company in financing such new projects, the city could help pay for the same out of the compensation fund, provision being made that the company pay interest charges and return a sum to the city annually, sufficiently large to pay the loan back in a stated interval.

In regard to the problem of rates, we find that one-half of the 144 grants examined do not specify what the rates or charges shall be. It has never been determined, moreover, that five cents is an amount necessary to be charged for one trip on the cars. It is merely a convenient charge or rate. Many cities, especially abroad, charge much less than five cents. Such charges are based, however, on the distance traveled. Recently in the Bay State Rate Case the Massachusetts public service commission permitted the companies operating near Boston to increase their fares to six, seven and eight cents. Some cities in Illinois have provided for reduced rates in the form of tickets and also for free service to city officials. It should be inserted in new licenses that tickets at reduced rates should be sold upon the cars as well as at designated stores. Dr. Wilcox condemns free service to city officials, except to policemen and firemen in uniform and in the performance of duty. If the other city officials must ride, the city should provide them with tickets or give them a monthly carfare allowance. Also it is inferred from an order of the public utility commission denying passes to state assemblymen that city officials are not entitled to free service.

Finally, in connection with the means by which the city shall regulate the business of the street railway companies, there arises the problem of special compensation. Some authorities believe that such compensation in small municipalities is not wise. Still, nine of the cities in question have attempted to obtain some kind of compensation. There are several forms of compensation:



(1) percentage of the gross earnings; (2) a certain sum annually, perhaps for a stated purpose; (3) car tax; (4) car mile fee, i. e. a tax based upon the number of miles a car travels. The car tax should be condemned because it is likely to prevent the operation of a sufficient number of cars to render adequate service. This tax illustrates the theory of Mr. Yerkes that the "strap-hangers" pay the dividends. The tax per mile of track, exempting extensions for a period of three years after construction, plus a percentage of the gross earnings, seems feasible. The essential point is that the compensation will not react in a way to produce poorer service or higher rates to the public. At present the state commission has wide powers over the accounts of the companies. The city should have power, however, to examine the accounts of the company to see that it is obtaining the proper amount due as compensation.

We have had occasion several times to refer to the jurisdiction of the state public utility commission over matters of service, rates, capitalization and extensions. The authority of the commission to regulate these matters has been sustained repeatedly by the courts (in eleven of the fifteen cases). The decision in the case of *O'Connell v. Chicago*, involving the local consent clause and the use of trailers, stated emphatically that the jurisdiction of the commission was exclusive in matters affecting public safety, welfare and convenience,—contract agreements, licenses and regulations of the company or of the city notwithstanding. The work of the commission in the four years of its existence has been good, although it has not assumed jurisdiction in very many cases involving the street railway problem. The future importance of the work of the commission lies in the development of the electric railway business. At present, this business is being controlled to a considerable degree by large corporations operating over wide areas of the state, notably the McKinley syndicate. Consequently, municipal regulations will be confined to strictly local operations.

Government regulation of public utilities is in its infancy. If in succeeding years this mode fails to control private operation satisfactorily, it is likely that relief will be sought in public own-

ership and operation. None of the cities examined have adopted the latter plan, although four have attempted to protect themselves in this respect by inserting in the grant power to acquire such plants for purposes of municipal operation. These clauses are not well drafted and should not be used, with the exception of the Evanston grant, as a basis for the drafting of a similar clause. However, if public ownership is made possible financially (i. e. if the constitutional debt limit is changed to permit cities to acquire street railway plants) a well drafted public ownership clause is a wise solution of the problem. This clause would provide for the alternative and optional privilege of subleasing the publicly-owned system to any private company that would comply with the demands of the municipality.

This paper has attempted to indicate the timeliness of this discussion, the general conditions under which the licenses are granted, controlled, and revoked, and also has attempted to point out a few of the outstanding defects of the existing grants. I would urge that this league take steps to work out in detail what provisions are essential in the framing of a constructive franchise policy. Finally, let me quote from the report of the committee on municipal program of the National Municipal League. It emphasizes the following points in relation to a model franchise which, in the speaker's opinion, seem to be apropos of the situation in this state:

"The Public Utility and Franchise Policy embodied in a model city charter should be so formulated as to conserve and further the following purposes:

I. To secure to the people of the city the best public utility service: that is practicable.

II. To secure and preserve to the city as a municipal corporation, the fullest possible control of the streets and of their special uses.

III. To remove as far as practicable the obstacles in the way of the extension of municipal ownership and operation of public utilities, and to render practicable the success of such ownership and operation when undertaken.

IV. To secure for the people of the city public utility rates as low as practicable, consistent with the realization of the three purposes above set forth.

It should be no part of such a policy to secure compensation for franchises or special revenues for general city purposes by an indirect tax upon the consumers of public utility services.

In formulating a policy to carry out the four purposes above stated, the following principles should be recognized:

1. Each utility serving an urban community should be treated as far as practicable as a monopoly, with the obligations of a monopoly; and its operation within the city should be based as far as practicable upon a single comprehensive ordinance or franchise grant uniform in its application to all parts of the city and to all extensions of plant and service.

2. Every franchise should be revokable by the city upon just compensation being paid to its owners when the city is prepared to undertake public ownership.

3. The control of the location and character of public utility fixtures, the character and amount of service rendered, and the rates charged therefor should be reserved to the city, subjected to reasonable review by the courts or a state utilities commission where one exists.

4. The granting and enforcement of franchises and the regulation of utilities operating thereunder should be subjected to adequate public scrutiny and discussion and should receive full consideration by an expert bureau of the city government established and maintained for that purpose, or in case the maintenance of such a bureau is impracticable, by an officer or committee designated for the purpose.

5. Private investments in public utilities should be treated as investments in aid of public credit and subject to public control, and should be safeguarded in every possible way and the rate of return allowed thereon should be reduced to the minimum return necessary in the case of safe investments, with a fixed and substantially assured fair earning power."<sup>3</sup>

<sup>3</sup>*Model City Charter and Municipal Home Rule*, p. 46.

REPRESENTATIVES OF ILLINOIS CITIES AND  
VILLAGES

REGISTERED AT THE  
FOURTH ANNUAL CONVENTION

OF THE  
ILLINOIS MUNICIPAL LEAGUE

*Held at the University of Illinois, December 6-7, 1917*

*Aurora:*

James E. Harley, Mayor  
F. J. Grommes, Clerk  
Harry L. Wells

*Bement:*

J. F. Sprague

*Bloomington:*

E. E. Jones, Mayor  
A. G. Erickson, Commissioner

*Blue Island:*

Edward N. Stein, Mayor  
E. B. Bronson  
Arnold Myers  
Chas. J. Olson

*Cairo:*

Robt. A. Hatcher, City Clerk

*Centralia:*

H. G. Cormick, Mayor  
C. C. Davis, Commissioner of Water and Streets  
C. A. Glore, Commissioner of Finance

*Champaign:*

S. C. Tucker, Mayor  
J. F. Boland

*Chicago:*

Clifford G. Roe, Assistant Corporation Counsel  
(Representing the Mayor)  
Frank R. Reed  
George C. Sikes, Bureau of Public Efficiency

*Collinsville :*

Jas. Bailey, City Clerk  
George W. Blake, Street Superintendent  
T. E. Kane, Alderman  
N. S. Shoulders, Alderman

*Decatur :*

J. S. Baldwin, City Attorney

*East St. Louis :*

J. N. Fining, Chamber of Commerce

*Farmer City :*

John W. Kendall, Mayor

*Freeport :*

H. H. Stahl, Mayor  
C. E. Brubaker  
Chas. S. Hepner, Engineer

*Geneseo :*

H. R. Ott, Mayor

*Herrin :*

Geo. K. Crichton, Mayor

*Hoopeston :*

William Moore, Mayor

*Jacksonville :*

H. J. Rodgers, Mayor  
J. E. Martin, Commissioner

*Joliet :*

William C. Barber, Mayor  
Geo. Brown, Commissioner Accounts and Finance  
C. P. Sorg, Commissioner

*Lake Forest :*

James F. King, City Clerk  
Joseph E. Anderson, Alderman  
W. C. Haltenhoff, Alderman  
Neil N. Campbell, City Engineer

*Marseilles :*

W. H. Spicer, Mayor

*Maywood:*

H. W. Tolsted, Mayor

*Monmouth:*

Earle U. Rugg

*Morris:*

T. H. Hall, Mayor

Earl D. Fuller, Alderman

*Ottawa:*

E. F. Bradford, Mayor

*Paris:*

W. H. Hoff, M.D., Mayor

Jas. K. Lauher, City Attorney

*Pinckneyville:*

Geo. E. Hincke, Mayor

*Sidney:*

C. L. Golden, President Village Board

*Streator:*

Thurlow G. Essington, Mayor

*Taylorville:*

W. S. Scott, Mayor

*Urbana:*

John A. Fairlie

R. D. Fulk

*Venice:*

J. R. McKee

M. Voegelé

*University of Illinois:*

Professor C. S. Sale

Professor James W. Garner

Professor F. H. Newell

Professor A. N. Talbot

Assistant Professor J. M. Mathews

Assistant Professor J. E. Smith

Robert E. Cushman

G. C. Habermeyer

ILLINOIS CITIES AND VILLAGES  
CONNECTED WITH THE ILLINOIS MUNICIPAL LEAGUE<sup>1</sup>

	1914-15	1915-16	1916-17	1917-18
Abingdon .....	0	0	*	0
Arcola .....	0	4	0	0
Aurora .....	0	0	0	3*
Bellwood .....	0	0	0	*
Belvidere .....	0	0	*	*
Bement† .....	1	0	0	1
Bloomington .....	0	3*	3*	2
Blue Island .....	0	0	0	4
Braceville .....	0	0	*	0
Buffalo .....	0	0	*	0
Cairo .....	0	0	1*	1*
Cambridge .....	0	0	*	0
Carbondale† .....	0	1*	0	0
Carthage .....	0	1	0	0
Cary .....	0	0	*	0
Centralia .....	0	0	0	3*
Cerro Gordo .....	0	0	0	*
Champaign .....	3	10	3	2
Chicago† .....	3	2	3	3*
Clinton .....	0	4*	2*	0
Collinsville .....	0	0	5*	4*
Crescent City .....	0	0	0	*
Dallas City† .....	0	0	0	0
Dana .....	0	0	0	*
Decatur .....	0	0	3*	1
DeKalb† .....	0	1	2*	0
Des Plaines .....	0	0	0	*
Dixon .....	0	0	*	0
Downers Grove .....	0	0	*	*
DuQuoin .....	0	0	1*	0
East St. Louis .....	0	0	0	1
Elgin .....	1*	0	*	*
Elmhurst† .....	0	0	0	0
Elmwood Park .....	0	0	*	0
Evanston .....	2	2	1*	*
Fairbury† .....	0	0	0	0
Farmer City .....	0	0	0	1*
Fisher .....	0	0	*	0
Franklin Park .....	0	0	*	0
Freeport .....	0	2*	2*	3*
Fulton .....	0	0	*	0
Galesburg .....	0	1	1*	*
Geneseo† .....	0	0	*	1
Glencoe .....	0	0	*	*
Glenwood .....	0	0	*	0
Greenfield .....	0	0	0	*
Greenville .....	0	1	0	0
Harrisburg .....	0	0	*	0
Harvard .....	0	0	0	*
Harvey† .....	0	0	0	0

Herrin .....	0	0	0	1
Hillsboro .....	1*	0	0	0
Hoopeston .....	0	1	0	1
Jacksonville .....	0	0	4*	2*
Joliet .....	0	2*	4*	3*
Kankakee .....	1	12*	6*	*
Kewanee .....	0	0	1*	0
Lake Forest .....	0	1*	3*	4*
Lincoln .....	0	0	*	*
Livingston .....	0	0	0	*
Lockport† .....	0	0	0	0
Longview .....	0	0	*	0
Macomb .....	0	0	4*	*
Macon .....	2*	0	2	0
Malta† .....	0	0	*	0
Manteno .....	0	0	0	*
Marion .....	0	0	*	0
Marseilles† .....	0	0	0	1*
Martinsville .....	1	0	0	0
Maywood .....	0	0	1*	1*
Mattoon .....	0	1*	0	0
Mendota .....	0	2	2*	0
Minonk .....	0	0	*	0
Moline .....	0	0	3*	0
Monmouth .....	0	0	1*	1
Morris .....	2	0	2*	2*
Mt. Carmel .....	1*	0	0	0
Moweaqua .....	0	1	0	0
Murphysboro .....	0	0	*	*
Naperville .....	0	0	*	*
Nauvoo .....	0	0	*	0
New Berlin .....	0	0	*	0
Newman .....	0	0	*	0
Odin .....	0	0	0	*
O'Fallon .....	0	1*	1	0
Olney .....	1*	1	0	0
Onarga .....	0	0	0	*
Orland Park .....	0	0	*	0
Ottawa .....	1*	2*	*	1*
Palatine .....	0	0	*	0
Palestine .....	0	0	0	*
Paris .....	1*	1*	1*	2*
Park Ridge .....	0	0	0	*
Paxton .....	1*	0	0	0
Pinckneyville† .....	0	0	0	1*
Pittsfield .....	0	0	1*	0
Pontiac† .....	0	0	0	0
Quincy .....	0	0	1	0
Rochelle† .....	0	0	0	0
Rock Falls .....	0	0	*	*
Rockford† .....	3*	4*	7*	0
Rock Island† .....	0	0	2*	0
St. Elmo .....	0	0	*	0



St. Francisville .....	0	0	0	*
Salem .....	1*	0	0	0
Sibley .....	0	0	0	*
Sidney .....	0	0	0	1
Somonauk .....	0	0	*	0
Springfield .....	1	3*	3*	0
Spring Grove .....	0	0	*	0
Streator .....	0	0	0	1
Tampico .....	0	0	0	*
Taylorville .....	0	0	*	1*
Urbana .....	9	5	7*	2
Venice .....	0	0	0	2*
Warsaw .....	0	0	*	0
Watseka† .....	0	0	0	*
Western Springs .....	0	0	*	*
Wenona .....	1	0	0	0
Wilmington .....	0	0	0	*
Zeigler† .....	0	0	0	0
Total delegates .....	37	69	83	57
Number of cities and villages .....	20	25	69	61

Grand total cities and villages .....121

<sup>1</sup>The figures under the respective years indicate the number of registered delegates from each city and village at the annual convention of the league.

\*Indicates that the city or village paid membership dues in the Illinois Municipal League for the year indicated.

†Members League of Illinois Municipalities.













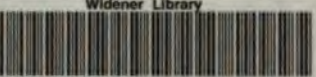
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